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## **2020 Regular Session**

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## CHAPTER 1

( HB 236 )

AN ACT relating to hemp and declaring an emergency.

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

➔Section 1. KRS 250.355 is amended to read as follows:

- (1) The director, or the director's designee, shall receive samples and test ~~industrial~~ hemp plants, plant parts, and materials grown or located within the Commonwealth in order to determine whether the ~~industrial~~ hemp plants, plant parts, and materials are in compliance with the provisions of KRS 260.850 to 260.869 and the administrative regulations promulgated thereunder.
- (2) ***The director, or the director's designee, shall perform testing services as the primary laboratory for delta-9 tetrahydrocannabinol as required by the department. The department may contract with other qualified laboratories to perform delta-9 tetrahydrocannabinol testing services when required.***

➔SECTION 2. A NEW SECTION OF KRS 260.850 TO 260.869 IS CREATED TO READ AS FOLLOWS:

- (1) ***As used in this section, "location" means a single contiguous parcel of land and any buildings situated thereon.***
- (2) ***No person shall move or transport, or aid or abet another person in moving or transporting, any hemp extract material having a delta-9 tetrahydrocannabinol concentration in excess of three-tenths of one percent (0.3%):***
  - (a) ***From any location outside the Commonwealth to any location within the Commonwealth;***
  - (b) ***From any location inside the Commonwealth to any location outside the Commonwealth; or***
  - (c) ***Except as provided in subsection (3) of this section, from any location inside the Commonwealth to any other location inside the Commonwealth.***
- (3) ***A licensed processor, or a person acting as a representative of a licensed processor, may move or transport hemp extract material having a delta-9 tetrahydrocannabinol concentration in excess of three-tenths of one percent (0.3%) from one (1) licensed processing location in the Commonwealth to another licensed processing location in the Commonwealth, provided that:***
  - (a) ***The hemp extract material shall move directly from one (1) licensed processing location to another; and***
  - (b) ***The licensed processor shall provide written notice to the department of the planned movement at least twenty-four (24) hours in advance to include the following information:***
    1. ***The date of the movement;***
    2. ***The address of the origin;***
    3. ***The address of the destination; and***
    4. ***Other information required by the department.***

➔Section 3. KRS 260.850 is amended to read as follows:

As used in KRS 260.850 to 260.869:

- (1) "Commissioner" means the Commissioner of the Kentucky Department of Agriculture;
- (2) "Cultivating" means planting, growing, and harvesting a plant or crop;
- (3) "Department" means the Kentucky Department of Agriculture;
- (4) "Handling" means possessing or storing ~~industrial~~ hemp for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process ~~industrial~~ hemp. "Handling" also includes possessing or storing ~~industrial~~ hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process ~~industrial~~ hemp to the premises of another licensed person;
- (5) ***"Hemp" or "industrial hemp"*** means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether

growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis;

- (6) **"Hemp products" or "industrial hemp products"** means products derived from, or made by, processing ~~industrial~~ hemp plants or plant parts;
- (7) "Licensee" means an individual or business entity possessing a license issued by the department under the authority of this chapter to grow, handle, cultivate, process, or market ~~industrial~~ hemp or ~~industrial~~ hemp products;
- (8) "Marketing" means promoting or selling a product within the Commonwealth, in another state, or outside of the United States. "Marketing" includes efforts to advertise and gather information about the needs or preferences of potential consumers or suppliers;
- (9) "Processing" means converting an agricultural commodity into a marketable form; **and**
- (10) ~~["Research pilot program" means a pilot program conducted by the department in collaboration with one (1) or more licensees or universities to study methods of cultivating, processing, or marketing industrial hemp under the authority of 7 U.S.C. sec. 5940 as it currently exists or as it may be subsequently amended; and~~
- ~~(11) "University" means an accredited institution of higher education located in the Commonwealth.~~

➔Section 4. KRS 260.852 is amended to read as follows:

It is the declared policy of the Commonwealth that ~~industrial~~ hemp is a viable agricultural crop in the Commonwealth. The purposes of KRS 260.850 to 260.869 are to:

- (1) Promote the research and study methods of cultivating, processing, and marketing ~~industrial~~ hemp;
- (2) Promote the expansion of the Commonwealth's ~~industrial~~ hemp industry to the maximum extent permitted by federal law ~~but, in anticipation of a change in federal law~~ allowing citizens of the Commonwealth to cultivate, handle, or process ~~industrial~~ hemp and ~~industrial~~ hemp products for commercial purposes ~~without participating in research pilot programs~~; and
- (3) Move the Commonwealth and its citizens to the forefront of the ~~industrial~~ hemp industry.

➔Section 5. KRS 260.858 is amended to read as follows:

- (1) ~~The purpose of the research pilot program authorized by this chapter is to enable the department, and its licensees and affiliated universities, to study methods of cultivating, processing, or marketing industrial hemp.~~
- ~~(2) Notwithstanding any other provision of law to the contrary, it is lawful for a licensee, or his or her agent, to cultivate, handle, or process industrial hemp or industrial hemp products in the Commonwealth.~~
- ~~(3)~~ (2) It is unlawful for a person who does not hold a license issued by the department, or who is not an agent of a licensee, to cultivate, handle, process, or market living ~~industrial~~ hemp plants or viable seeds, leaf materials, or floral materials derived from ~~industrial~~ hemp. Penalties for persons who cultivate, handle, process, or market living ~~industrial~~ hemp plants or viable seeds, leaf materials, or floral materials derived from ~~industrial~~ hemp without a license are the same as those penalties that are applicable to persons who violate KRS Chapter 218A, relating to marijuana.
- (3) ***It is unlawful for a person who does not hold a license issued by the department, or who is not an agent of a licensee, to possess hemp extract material having a delta-9 tetrahydrocannabinol concentration in excess of three-tenths of one percent (0.3%). Penalties for persons who possess such hemp extract materials without a license are the same as those penalties that are applicable to persons who violate KRS Chapter 218A, relating to marijuana.***
- (4) Nothing in this chapter authorizes any person to violate any federal or state law or regulation.

➔Section 6. KRS 260.860 is amended to read as follows:

- (1) The ~~Industrial~~ Hemp Advisory Board is created for the purpose of providing advice and expertise as may be needed by ~~a university or~~ the department with respect to plans, policies, and procedures applicable to the administration of its respective ~~industrial~~ hemp ~~research pilot~~ **program**~~programs~~.
- (2) The ~~Industrial~~ Hemp Advisory Board shall be attached to the department for administrative purposes.
- (3) The ~~Industrial~~ Hemp Advisory Board shall be composed of the following members:
  - (a) The Commissioner of the department or the Commissioner's designee;

- (b) The executive director of the Governor's Office of Agricultural Policy or the executive director's designee;
  - (c) The dean of the University of Kentucky's College of Agriculture, Food and Environment or the dean's designee;
  - (d) The commissioner of the Department of Kentucky State Police or the commissioner's designee;
  - (e) The president of the Kentucky Sheriff's Association or the president's designee;
  - (f) The president of the Kentucky Association of Chiefs of Police or the president's designee; and
  - (g) Ten (10) at-large members designated by the Commissioner.
- (4) The Commissioner or the Commissioner's designee shall serve as chair.
  - (5) A majority of the members of the board shall constitute a quorum.
  - (6) The board shall meet at least one (1) time annually at the call of the chair.
  - (7) In making the initial appointments of the board, the Commissioner shall stagger the terms of the board members. Thereafter, members shall be appointed to a term of four (4) years and shall serve until their successors are duly appointed and qualified.
  - (8) Board members shall receive no compensation but shall be reimbursed, payable from the industrial hemp research pilot program fund, for any actual travel expense incurred while attending meetings of the board.

➔Section 7. KRS 260.862 is amended to read as follows:

- (1) In addition to any other powers vested in it by law, the department shall have the authority and power to promulgate administrative regulations to:
  - (a) ~~{Prescribe rules for any industrial hemp pilot program;~~
  - (b) ~~Conduct one (1) or more industrial hemp research pilot programs;~~
  - (c) ~~{License persons who wish to *cultivate, handle, process, or market* {participate in an industrial hemp research pilot program by cultivating, handling, processing, or marketing industrial} hemp;~~
  - (b)(d) Prescribe rules for a university's participation in, or affiliation with, any ~~{industrial} hemp {research pilot} program;~~
  - (c)(e) Prescribe sampling and testing procedures to ensure that ~~{industrial} hemp and {industrial} hemp~~ products cultivated, handled, processed, or marketed under the authority of this section do not exceed the concentration levels defined in *federal law* ~~{7 U.S.C. sec. 5940}~~ as it currently exists or as it may be subsequently amended;
  - (d)(f) Define classes or categories of ~~{industrial} hemp~~ products that are eligible for sale, transfer, or distribution to members of the public; and
  - (e)(g) Establish a schedule of nonrefundable fees for *applicants and licensees* ~~{administering any industrial hemp research pilot program}.~~
- (2)
  - (a) No person shall cultivate, handle, process, or market ~~{industrial} hemp~~ in the Commonwealth unless the person holds ~~a {an industrial hemp}~~ license issued by the department.
  - (b) Any person seeking to cultivate ~~{industrial} hemp~~ shall provide to the department the legal description and global positioning coordinates sufficient for locating the fields or greenhouses to be used to grow ~~{industrial} hemp~~.
  - (c) Any person seeking to cultivate or process ~~{industrial} hemp~~ shall provide to the department prior written consent allowing representatives of the department, the Department of Kentucky State Police, and other state and local law enforcement agencies to enter onto all premises where ~~{industrial} hemp~~ is cultivated, processed, or stored for the purpose of conducting physical inspections or ensuring compliance with the requirements of KRS 260.850 to 260.869 and administrative regulations promulgated by the department.
  - (d) An applicant for a license issued by the department shall submit to and pay for an annual criminal background check conducted by the Department of Kentucky State Police or another state or federal law enforcement agency *or another entity* selected by the department.

- (e) No person who has been convicted of any felony or any drug-related misdemeanor or violation in the previous ten (10) years from the date of application shall be eligible to obtain a license, *provided, however, that:*~~;~~

1. *A person who was growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by Section 7606 of the Agricultural Act of 2014, 7 U.S.C. sec. 5940, shall be eligible to obtain a license to grow hemp; and*
2. *A person who was lawfully growing hemp under Section 7606 of the Agricultural Act of 2014 before December 20, 2018, and was convicted prior to December 20, 2018, shall be eligible to obtain a license to grow hemp.*

➔Section 8. KRS 260.864 is amended to read as follows:

- (1) The department may temporarily suspend a license up to sixty (60) days if the licensee is alleged to have:
  - (a) Violated any provision of KRS 260.850 to 260.869 or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869;
  - (b) Made any false statement to the department or its representatives;
  - (c) Pled guilty to, or been convicted of, any felony or drug-related misdemeanor or violation;
  - (d) Failed to comply with only those instructions agreed upon in the contract signed by the licensee at the time the ~~industrial~~ hemp license was issued; or
  - (e) Failed to comply with an order from a representative of the department, representative of the Department of Kentucky State Police, or any law enforcement officer.
- (2) The department may temporarily suspend a license up to sixty (60) days without giving the licensee advance notice of the charge against him or her or an opportunity to be heard.
- (3) The department shall not permanently revoke a license until the department has notified the licensee of the charge against him or her and given the licensee an opportunity for a hearing before a three (3) person panel whose members have been designated by the Commissioner. The three (3) person panel shall include:
  - (a) Two (2) members who are employees of the department; and
  - (b) One (1) member who is not an employee of the department.
- (4) The department may permanently revoke a license if the licensee admits, or is found in a hearing, to have:
  - (a) Violated any provision of KRS 260.850 to 260.869 or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869;
  - (b) Made any false statement to the department or its representative;
  - (c) Pled guilty to, or been convicted of, any felony or drug-related misdemeanor or violation; or
  - (d) Failed to comply with any instruction or order from the department, a representative of the Department of Kentucky State Police, or any law enforcement officer.
- (5) The department may impose a monetary civil penalty, not to exceed two thousand five hundred dollars (\$2,500) per violation, on any person who violates KRS 260.850 to 260.869 or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869.
- (6) The department shall not impose a monetary civil penalty against a person alleged to have violated KRS 260.850 to 260.869, or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869, until the department has notified the person of the charge against him or her and given the person the opportunity for a hearing before the three (3) person panel.

➔Section 9. KRS 260.866 is amended to read as follows:

- (1) The ~~industrial~~ hemp ~~research pilot~~ program fund is hereby created as a separate trust fund in the State Treasury. The fund shall consist of amounts received from appropriations, and any other proceeds from gifts, grants, federal funds, application fees, or license fees provided by KRS 260.862, civil penalties as provided by KRS 260.864, and any other funds, both public and private, made available for purposes of KRS 260.850 to 260.869.
- (2) The ~~industrial~~ hemp ~~research pilot~~ program fund shall be administered by the department.

- (3) Amounts deposited in the ~~industrial hemp research pilot~~ program fund shall be used for the costs of personnel, program administration, testing, actual travel expenses of the advisory board established under KRS 260.860, and any other costs incurred while conducting the ~~industrial hemp research pilot~~ programs under KRS 260.850 to 260.869.
- (4) Notwithstanding KRS 45.229, the ~~industrial hemp research pilot~~ program fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
- (5) Any interest earnings of the ~~industrial hemp research pilot~~ program fund shall become part of the fund and shall not lapse.
- (6) Moneys 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 ~~unless the industrial hemp research pilot program is discontinued by the Commissioner as provided by KRS 260.867. If the program is discontinued, moneys remaining in the fund shall lapse to the general fund no later than one (1) year after notice of the program discontinuation, and the fund shall be closed.~~

➔Section 10. The following KRS section is repealed:

260.867 Discontinuation of industrial hemp research pilot program -- Conditions -- Notice.

➔Section 11. Whereas in order for the Commonwealth to be in compliance with recent guidelines issued by the United States Department of Agriculture relating to hemp and hemp products, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon it otherwise becoming a law.

**Signed by Governor February 10, 2020.**

## CHAPTER 2

( HB 186 )

AN ACT relating to direct sellers.

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

➔Section 1. KRS 337.010 is amended to read as follows:

- (1) As used in this chapter, unless the context requires otherwise:
  - (a) "Commissioner" means the commissioner of the Department of Workplace Standards under the direction and supervision of the secretary of the Labor Cabinet;
  - (b) "Department" means the Department of Workplace Standards in the Labor Cabinet;
  - (c)
    1. "Wages" includes any compensation due to an employee by reason of his or her employment, including salaries, commissions, vested vacation pay, overtime pay, severance or dismissal pay, earned bonuses, and any other similar advantages agreed upon by the employer and the employee or provided to employees as an established policy. The wages shall be payable in legal tender of the United States, checks on banks, direct deposits, or payroll card accounts convertible into cash on demand at full face value, subject to the allowances made in this chapter. However, an employee may not be charged an activation fee and the payroll card account shall provide the employee with the ability, without charge, to make at least one (1) withdrawal per pay period for any amount up to and including the full account balance.
    2. For the purposes of calculating hourly wage rates for scheduled overtime for professional firefighters, as defined in KRS 95A.210(8), "wages" shall not include the distribution to qualified professional firefighters by local governments of supplements received from the Firefighters Foundation Program Fund. For the purposes of calculating hourly wage rates for unscheduled overtime for professional firefighters, as defined in KRS 95A.210(9), "wages" shall include the distribution to qualified professional firefighters by local governments of supplements received from the Firefighters Foundation Program Fund;

- (d) "Employer" is any person, either individual, corporation, partnership, agency, or firm who employs an employee and includes any person, either individual, corporation, partnership, agency, or firm acting directly or indirectly in the interest of an employer in relation to an employee; and
- (e) "Employee" is any person employed by or suffered or permitted to work for an employer, except that:
  1. Notwithstanding any voluntary agreement entered into between the United States Department of Labor and a franchisee, neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purpose under this chapter; and
  2. Notwithstanding any voluntary agreement entered into between the United States Department of Labor and a franchisor, neither a franchisor nor a franchisor's employee shall be deemed to be an employee of the franchisee for any purpose under this chapter.

For purposes of this paragraph, "franchisee" and "franchisor" have the same meanings as in 16 C.F.R. sec. 436.1.

- (2) As used in KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405, unless the context requires otherwise:

- (a) "Employee" is any person employed by or suffered or permitted to work for an employer, but shall not include:
  1. Any individual employed in agriculture;
  2. Any individual employed in a bona fide executive, administrative, supervisory, or professional capacity, or in the capacity of outside salesman, or as an outside collector as the terms are defined by administrative regulations of the commissioner;
  3. Any individual employed by the United States;
  4. Any individual employed in domestic service in or about a private home. The provisions of this section shall include individuals employed in domestic service in or about the home of an employer where there is more than one (1) domestic servant regularly employed;
  5. Any individual classified and given a certificate by the commissioner showing a status of learner, apprentice, worker with a disability, sheltered workshop employee, and student under administrative procedures and administrative regulations prescribed and promulgated by the commissioner. This certificate shall authorize employment at the wages, less than the established fixed minimum fair wage rates, and for the period of time fixed by the commissioner and stated in the certificate issued to the person;
  6. Employees of retail stores, service industries, hotels, motels, and restaurant operations whose average annual gross volume of sales made for business done is less than ninety-five thousand dollars (\$95,000) for the five (5) preceding years exclusive of excise taxes at the retail level or if the employee is the parent, spouse, child, or other member of his or her employer's immediate family;
  7. Any individual employed as a baby-sitter in an employer's home, or an individual employed as a companion by a sick, convalescing, or elderly person or by the person's immediate family, to care for that sick, convalescing, or elderly person and whose principal duties do not include housekeeping;
  8. Any individual engaged in the delivery of newspapers to the consumer;
  9. Any individual subject to the provisions of KRS Chapters 7, 16, 27A, 30A, and 18A provided that the secretary of the Personnel Cabinet shall have the authority to prescribe by administrative regulation those emergency employees, or others, who shall receive overtime pay rates necessary for the efficient operation of government and the protection of affected employees;
  10. Any employee employed by an establishment which is an organized nonprofit camp, religious, or nonprofit educational conference center, if it does not operate for more than two hundred ten (210) days in any calendar year;
  11. Any employee 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; ~~for~~

12. Any individual whose function is to provide twenty-four (24) hour residential care in his or her own home as a family caregiver and who is approved to provide family caregiver services to an adult with a disability through a contractual relationship with a community board for mental health or individuals with an intellectual disability established under KRS 210.370 to 210.460, or is certified or licensed by the Cabinet for Health and Family Services to provide adult foster care;  
**or**

**13. A direct seller as defined in Section 3508(b)(2) of the Internal Revenue Code of 1986.**

- (b) "Agriculture" means farming in all its branches, including cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; raising of livestock, bees, furbearing animals, or poultry; and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with farming operations, including preparation and delivery of produce to storage, to market, or to carriers for transportation to market;
- (c) "Gratuity" means voluntary monetary contribution received by an employee from a guest, patron, or customer for services rendered;
- (d) "Tipped employee" means any employee engaged in an occupation in which he or she customarily and regularly receives more than thirty dollars (\$30) per month in tips; and
- (e) "U.S.C." means the United States Code.

➔Section 2. KRS 342.650 is amended to read as follows:

The following employees are exempt from the coverage of this chapter:

- (1) Any person employed as a domestic servant in a private home by an employer who has less than two (2) employees each regularly employed forty (40) or more hours a week in domestic servant employment;
- (2) Any person employed, for not exceeding twenty (20) consecutive work days, to do maintenance, repair, remodeling, or similar work in or about the private home of the employer, or if the employer has no other employees subject to this chapter, in or about the premises where that employer carries on his or her trade, business, or profession;
- (3) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization;
- (4) Any person for whom a rule of liability for injury or death is provided by the laws of the United States, except those persons covered under Title IV, Public Law 91-173, 91st Congress, commonly referred to as the Black Lung Benefits of the Federal Coal Mine Health and Safety Act of 1969, or as amended;
- (5) Any person employed in agriculture;
- (6) Any person who would otherwise be covered but who elects not to be covered in accordance with the administrative regulations promulgated by the commissioner;
- (7) Any person participating as a driver or passenger in a voluntary vanpool or carpool program while that person is on the way to or from his or her place of employment. For the purposes of this subsection, carpool or vanpool means any method by which two (2) or more employees are transported from their residences to their places of employment;
- (8) Members of a religious sect or division that is an adherent of established tenets or teachings by reason of which members are conscientiously opposed to acceptance of the benefits of any public or private insurance which makes payments in the event of death, disability, old age, or retirement, or makes payments toward the cost of, or provides services for, medical bills, including the benefits of any insurance system established by the Federal Social Security Act, 42 U.S.C. secs. 301 et seq., and it is the practice, and has been for ten (10) or more years, for members of the sect or division to make reasonable provision for their dependent members;
- (9) Any licensed or unlicensed, commissioned, ordained or unordained, or lay minister of religion who has no set oral or written agreement with a church or religious organization to receive a fixed regular payment for services provided to the church or who works no more than ten (10) hours per week;~~and~~
- (10) Any caretaker of a cemetery or property owned or operated by a church or religious organization who provides general cleanup services, including but not limited to mowing, raking, dusting, sweeping, and mopping which could be performed for other individuals or organizations, who works no more than ten (10) hours per week;  
**and**

**(11) *A direct seller as defined in Section 3508(b)(2) of the Internal Revenue Code of 1986.***

➔Section 3. KRS 341.055 is amended to read as follows:

Unless the employing unit thereof has elected that the services become covered employment under the provisions of subsection (3) or (4) of KRS 341.250, "covered employment" shall not include:

- (1) Service performed in agricultural labor, as defined in Section 3306(k) of the Internal Revenue Code, but only if the service is not defined as "covered employment" in paragraphs (f) and (h) of subsection (1) of KRS 341.050; or agricultural service performed prior to January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act;
- (2) Domestic service in a private home, a local college club, or local chapter of a college fraternity or sorority, but only if the service is not defined as "covered employment" in paragraphs (g) and (h) of subsection (1) of KRS 341.050;
- (3) Service in the employ of an organization described in paragraph (e) of subsection (1) of KRS 341.050, but only if the service is not defined as "covered employment" in paragraphs (e) and (h) of subsection (1) of KRS 341.050;
- (4) Certain service performed in the employ of this state or any of its political subdivisions, municipalities, or instrumentalities thereof, but only if the service is performed by an individual in the exercise of his or her duties:
  - (a) As a public elected official;
  - (b) As a member of a legislative body of this state or a political subdivision thereof;
  - (c) As a member of the judiciary of this state or political subdivision thereof;
  - (d) As a member of the State National Guard or Air National Guard;
  - (e) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or
  - (f) In a position which, under or pursuant to the state law is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight (8) hours per week or by reason of service on any appointed state or local board or commission;
- (5) Except as provided in paragraph (d) of subsection (1) of KRS 341.050, service performed in the employ of any other state or any political subdivision thereof, or of the United States government or an instrumentality of the United States exempt by federal law from the contributions imposed by this chapter, except that to the extent that the Congress of the United States shall permit states to require instrumentalities of the United States to make payments into an unemployment fund under a state unemployment insurance law, all the provisions of this chapter shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employing units, individuals and services; provided that if this state shall not be certified for any year by the Secretary of Labor of the United States under Section 3304 of the Internal Revenue Code, the payments required of such instrumentalities, with respect to such year, shall be refunded from the fund in the same manner and within the same period as is provided in KRS 341.330 with respect to contributions erroneously collected;
- (6) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress. The secretary may enter into agreements with the proper agencies under such Act of Congress to provide reciprocal treatment to workers who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;
- (7) Service performed by a worker in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;
- (8) Service performed in the employ of a foreign government, including service as a consular, or other officer or employee, or a nondiplomatic representative, or of an instrumentality wholly owned by a foreign government if:



- (a) The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and
  - (b) The secretary finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;
- (9) Service performed as a student nurse in the employ of a hospital or a nurses' training school by a worker who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this state; and service performed as an intern in the employ of a hospital by a worker who has completed a four (4) years' course in a medical school chartered or approved pursuant to the laws of this state;
- (10) Service performed by a worker for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission;
- (11) Service performed by a worker under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;
- (12) Service not in the course of the employing unit's trade or business performed in any calendar quarter by a worker, unless the cash remuneration paid for such service is fifty dollars (\$50) or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purpose of this subsection, an individual shall be deemed to be regularly employed by an employing unit during a calendar quarter only if:
- (a) On each of some twenty-four (24) days during the quarter, the individual performs for such employing unit for some portion of the day service not in the course of the employing unit's trade or business; or
  - (b) The individual was regularly employed, as determined under paragraph (a) of this subsection, by the employing unit in the performance of the service during the preceding calendar quarter;
- (13) Service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the Internal Revenue Code, other than an organization described in Section 401(a), or under Section 521 of the Internal Revenue Code, if the remuneration for the service is less than fifty dollars (\$50);
- (14) Service performed in the employ of an international organization;
- (15) Service covered by an election, duly approved by the agency charged with the administration of any other state or federal employment security law, in accordance with an arrangement pursuant to KRS 341.145 during the effective period of the election;
- (16) Service performed in the employ of a school, college, or university, if the service is performed:
- (a) By a student who is enrolled and is regularly attending classes at the school, college or university; or
  - (b) By the spouse of such a student, if the spouse is advised, at the time the spouse commences to perform the service, that:
    - 1. The employment of the spouse to perform the service is provided under a program to provide financial assistance to the student by the school, college, or university; and
    - 2. The employment will not be covered by any program of unemployment insurance;
- (17) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if the service is an integral part of such program, and such institution has so certified to the employer, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers;
- (18) Service performed in the employ of a hospital, if the service is performed by a patient of the hospital, as defined in KRS 341.067;
- (19) Service performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or by a duly ordained, commissioned, or

licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by the order; or

- (20) Service defined in KRS 341.050(1)(d) and (e) performed for a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age, physical or mental deficiency, or injury, or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by an individual receiving the rehabilitation or remunerative work; or as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof by an individual receiving the work relief or work training; or in a custodial or penal institution by an inmate of such institution; *or*
- (21) *Service performed by a direct seller as defined in Section 3508(b)(2) of the Internal Revenue Code of 1986.*

**Signed by Governor February 11, 2020.**

### CHAPTER 3

#### ( HJR 8 )

A JOINT RESOLUTION directing the Energy and Environment Cabinet (Cabinet) and the Louisville Metro Air Pollution Control District (District) to determine the environmental benefits, related costs, and potential alternatives to the federal reformulated gasoline requirements currently imposed in Jefferson County and partial areas in Bullitt and Oldham Counties.

WHEREAS, pursuant to the federal Clean Air Act (Act) as amended, 42 U.S.C. secs. 7401 et seq., the Commonwealth of Kentucky is required to prepare and submit to the federal Environmental Protection Agency (EPA) a state implementation plan and revisions to such plan as appropriate to attain and maintain the National Ambient Air Quality Standards (NAAQS) and protect human health; and

WHEREAS, pursuant to KRS Chapter 224, the Cabinet is designated as the air pollution control agency of this Commonwealth for all purposes of the Act and within that organization is the Department for Environmental Protection Division for Air Quality; and

WHEREAS, pursuant to KRS Chapter 77, the District is authorized to control air pollution in Jefferson County; and

WHEREAS, the Kentucky Air Pollution Control Commission granted concurrent jurisdiction to the District on January 26, 1971; and

WHEREAS, the intent of the Cabinet and the District is to operate an effective air pollution control program in Jefferson County as authorized under KRS Chapters 77 and 224 through joint implementation of necessary control strategies; and

WHEREAS, Governor Brereton Jones, through a letter dated September 29, 1993, opted into the federal reformulated gasoline requirements effective January 1, 1995; and

WHEREAS, at that time, reformulated gasoline provided substantive environmental benefits over conventional gasoline when first imposed in the Louisville area; and

WHEREAS, the federal EPA mandated improved quality in conventional gasoline beginning in 2011; and

WHEREAS, consequently, the environmental benefits of reformulated gasoline compared to conventional gasoline no longer provide as significant of an environmental benefit as in the past;

NOW, THEREFORE,

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

➔Section 1. The Energy and Environment Cabinet and the Louisville Metro Air Pollution Control District shall coordinate together to conduct an analysis to:

- (1) Quantify the health and environmental benefits of the federal reformulated gasoline requirements; and

(2) Estimate the related costs associated with the federal reformulated gasoline requirements to identify cost-effective compensating emission reductions from other potential air pollution control strategies that are equivalent to, or greater than, the emission reductions achieved by federal reformulated gasoline requirements, and document that those emission reductions are quantifiable, permanent, surplus, and enforceable.

➔Section 2. Pursuant to Section 110(l) of the Act, the Cabinet and District shall, upon a determination that equivalent, or greater, emission reductions from other sources are attainable and more cost-effective to offset the reformulated gasoline requirement, draft a revision to the applicable Kentucky state implementation plan to:

(1) Remove the federal requirements for reformulated gasoline from Jefferson County and partial areas of Bullitt and Oldham Counties, effective 180 days from the date of the United States Environmental Protection Agency's approval of the revision to the state implementation plan;

(2) Implement the air pollution control strategies necessary to achieve equivalent, or greater, emission reductions than those achieved by federal reformulated gasoline requirements that are more cost-effective than what is incurred as a result of reformulated gasoline;

(3) Ensure that the air pollution control strategies do not unnecessarily impede or limit economic development of new facilities and economic growth at existing facilities; and

(4) Provide for reasonable notice and a public hearing for such draft.

The state implementation plan revision shall not interfere with any applicable requirement concerning attainment of NAAQS and reasonable further progress, or any other applicable of Section 110 of the Act.

➔Section 3. Once Sections 1. and 2. of this Resolution have occurred, the General Assembly requests the Governor to petition the federal EPA to opt-out of the federal reformulated gasoline requirements in Jefferson County and partial areas of Bullitt and Oldham Counties, in accordance with 40 CFR 80.72, provided alternative air pollution control strategies, identified in the revision of the applicable Kentucky state implementation plan, can achieve equivalent, or greater, emission reductions that are more cost-effective than the existing reformulated gasoline requirement and that the chosen strategies are able to attain and maintain the National Ambient Air Quality Standards and protect human health.

**Became law without Governor's signature February 20, 2020.**

## CHAPTER 4

( SB 94 )

AN ACT relating to motor fuel.

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

➔Section 1. KRS 363.904 is amended to read as follows:

(1) No article or commodity shall be sold or offered for sale and use in Kentucky as motor fuel unless it conforms to the following:

(a) The motor fuel shall be labeled and posted in accordance with applicable federal and state laws; and

(b) The motor fuel shall conform to the latest ASTM specifications for that particular type, class, and grade of motor fuel, except when one (1) or more of the following circumstances exists:

1. When a federal law or a federal administrative regulation imposes requirements in conflict with the ASTM standard, as provided by KRS 363.902(3); or

2. When the Governor determines that circumstances present, or are likely to present, a disruption in motor fuel supply, the Governor or the Commissioner or the secretary of the Energy and Environment Cabinet, as designated by the Governor, may issue a temporary waiver of ASTM specifications for motor fuel. The temporary waiver shall be effective for a defined period of time and shall be the shortest practicable time period necessary to permit the correction of the disruption in motor fuel supplies.

- (2) For gasoline containing up to **fifteen percent (15%)**~~ten percent (10%)~~ ethanol, in which case the vapor pressure limit for each class shall be increased by one (1) pound per square inch, and the ASTM V/L (vapor to liquid ratio) specification shall be waived. Additionally, the department shall adopt a minimum temperature for fifty percent (50%) distillation of gasoline containing up to **fifteen percent (15%)**~~ten percent (10%)~~ ethanol through the promulgation of an administrative regulation in accordance with KRS Chapter 13A.
- (3) The motor fuel compliance with ASTM shall be determined in accordance with the test methods prescribed in the latest ASTM publications.
- (4) All shipments of motor fuel shall state on either the bill of lading or invoice the destination of the shipment and that the shipment meets the standards and specifications required in this section. The division may obtain a sample of any shipment of motor fuel for testing. Motor fuel blending components shall be exempt from this section until they are offered for sale as motor fuel by the refiner or manufacturer.

**Signed by Governor February 21, 2020.**

## CHAPTER 5

### ( SB 8 )

AN ACT relating to school safety and declaring an emergency.

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

➔Section 1. KRS 158.441 is amended to read as follows:

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

- (1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;
- (2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;
- (3) "School activities" means official school functions held on school property, including student attendance days as defined in KRS 158.070, athletic events, and graduation;
- (4) "School property" means any public school building, public school vehicle, public school campus, grounds, recreational area, or athletic field in the charge of the school district;
- (5) "School resource officer" or "SRO" means an officer ***whose primary job function is to work with youth at a school site as described in Section 3 of this Act***, who has specialized training to work with youth at a school site ***pursuant to Section 3 of this Act***, and ***who*** is:
  - (a)
    1. A sworn law enforcement officer; or
    2. A special law enforcement officer appointed pursuant to KRS 61.902; and
  - (b) Employed:
    1. Through a contract between a local law enforcement agency and a school district;
    2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
    3. Directly by a local board of education;

- (6) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters; and
- (7) "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

➔Section 2. KRS 158.4412 is amended to read as follows:

- (1) Beginning with the 2019-2020 school year, each local school district superintendent shall appoint ***an individual***~~a district-level school administrator~~ to serve as the district's school safety coordinator and primary point of contact for public school safety and security functions.
- (2) The district's school safety coordinator shall:
  - (a) Complete the school safety coordinator training program developed by the Center for School Safety within six (6) months of his or her date of appointment;
  - (b) Designate a school safety and security threat assessment team at each school of the district consisting of two (2) or more staff members in accordance with policies and procedures adopted by the local board of education to identify and respond to students exhibiting behavior that indicates a potential threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers, and other school personnel;
  - (c) Provide training to school principals within the district on procedures for completion of the school security risk assessment required pursuant to KRS 158.4410;
  - (d) Review all school security risk assessments completed within the district and prescribe recommendations as needed in consultation with the state school security marshal;
  - (e) Advise the local school district superintendent by July 1, 2021, and annually thereafter of completion of required security risk assessments;
  - (f) Formulate recommended policies and procedures, which shall be excluded from the application of KRS 61.870 to 61.884, for an all-hazards approach including conducting emergency response drills for hostage, active shooter, and building lockdown situations in consultation and coordination with appropriate public safety agencies to include but not be limited to fire, police, and emergency medical services for review and adoption as part of the school emergency plan required by KRS 158.162. The recommended policies shall encourage the involvement of students, as appropriate, in the development of the school's emergency plan; and
  - (g) Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.
- (3) The school district, school safety coordinator, and any school employees participating in the activities of a school safety and security threat assessment team, acting in good faith upon reasonable cause in the identification of students pursuant to subsection (2)(b) of this section shall be immune from any civil or criminal liability that might otherwise be incurred or imposed from:
  - (a) Identifying the student and implementing a response pursuant to policies and procedures adopted under subsection (2)(b) of this section; or
  - (b) Participating in any judicial proceeding that results from the identification.

➔Section 3. KRS 158.4414 is amended to read as follows:

- (1) Local boards of education, school district superintendents, ***administrators of state controlled facilities***, and local and state law enforcement agencies shall cooperate to assign one (1) or more certified school resource officers to ***serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis***~~each school within a school district~~ as funds and qualified personnel become available.
- (2) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the

school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.

- (3) Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.
- (4) ***In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.***
- (5) On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish three (3) levels of training for certification of school resource officers first employed as a school resource officer on or after March 11, 2019: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours of training, with SRO I to be completed within one (1) year of the date of the officer's employment and SRO II and SRO III within the subsequent two (2) years.
- ~~(6)~~~~(5)~~ Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:
  - (a) Foundations of school-based law enforcement;
  - (b) Threat assessment and response;
  - (c) Youth drug use and abuse;
  - (d) Social media and cyber security;
  - (e) School resource officers as teachers and mentors;
  - (f) Youth mental health awareness;
  - (g) Diversity and bias awareness training;
  - (h) Trauma-informed action;
  - (i) Understanding students with special needs; and
  - (j) De-escalation strategies.
- ~~(7)~~~~(6)~~ Effective January 1, 2020, all school resource officers with active ***school resource officer*** 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 for school resource officers.
- ~~(8)~~~~(7)~~ 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 of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- ~~(9)~~~~(8)~~ Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer ***serve in the capacity of a school resource officer***~~work~~ in a school.
- ~~(10)~~~~(9)~~ When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer's employing agency.
- ~~(11)~~~~(10)~~ A school resource officer who has lost school resource officer certification due solely to the officer's failure to meet the training requirements of this section may regain certification status as a school resource officer and ***may resume service in the capacity of a school resource officer in***~~return to~~ a school setting upon successful completion of the training deficiency.
- ~~(12)~~~~(11)~~ No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.

➔Section 4. KRS 158.4416 is amended to read as follows:

- (1) For purposes of this section:
  - (a) "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;
  - (b) "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; and
  - (c) "Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.
- (2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting.
- (3)
  - (a) Beginning July 1, 2021, or as funds and qualified personnel become available:~~;~~
    1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the ~~goal of~~~~goals of having one (1) school counselor for every two hundred fifty (250) students and~~ the school counselor spending sixty percent (60%) or more of his or her time ~~providing counseling and related~~~~(in direct)~~ services **directly** to students; **and**
    2. ***It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.***
  - (b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.
  - (c) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:
    1. Recognizing symptoms of trauma in students;
    2. Utilizing interventions and strategies to support the learning needs of those students; and
    3. Implementing a plan for a trauma-informed approach as described in subsection (5) of this section.
  - (d)
    1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.
    2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.
  - (e) No later than November 1, 2019, and each subsequent year, the local school district superintendent shall report to the department the number and placement of school counselors in the district. The report shall include the source of funding for each position, as well as a summary of the job duties and work undertaken by each counselor and the approximate percent of time devoted to each duty over the course of the year.

- (4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.
- (5) On or before July 1, 2021, each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:
  - (a) Enhancing trauma awareness throughout the school community;
  - (b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;
  - (c) Developing trauma-informed discipline policies;
  - (d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the **local** chief of police to create procedures for notification of **trauma-exposed students**~~[student involved trauma]~~; and
  - (e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.

➔Section 5. KRS 16.128 is amended to read as follows:

- (1) The Department of Kentucky State Police is encouraged to receive training on issues pertaining to school and student safety and shall be invited to meet annually with local superintendents to discuss emergency response plans and emergency response concerns.
- (2) The Department of Kentucky State Police is encouraged to collaborate with local school districts on policies and procedures for communicating to the school district any instances of **trauma-exposed students**~~[student involved trauma]~~.

➔Section 6. 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, **any school resource officer as defined in Section 1 of this Act**, 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, **local board of education**, 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, *any school resource officer as defined in Section 1 of this Act*, 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 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, *any school resource officer as defined in Section 1 of this Act*, 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 Department of Military Affairs shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to National Guard or Reserve component members, including but not limited to defining which National Guard or Reserve component members qualify for coverage and which circumstances constitute death in the line of duty.
- (8) 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.
- (9) 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.

- (10) 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.
- (11) (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 7. KRS 61.902 is amended to read as follows:

- (1) The secretary of the Justice and Public Safety Cabinet may commission special law enforcement officers, for such time as he or she deems necessary, to protect and to enforce the law on public property.
- (2) ***Notwithstanding subsection (1) of this section, in the case of a special law enforcement officer employed as a school resource officer, the commission shall be for four (4) years, provided the officer continues to meet all statutory and regulatory requirements.***
- (3) Upon application of a unit or agency of state, county, city or metropolitan government, the secretary may appoint those persons recommended by the unit or agency who satisfy the requirements of KRS 61.900 to 61.930.

➔Section 8. KRS 70.062 is amended to read as follows:

- (1) The sheriff in each county is encouraged to receive training on issues pertaining to school and student safety, and shall be invited to meet annually with local school superintendents to discuss emergency response plans and emergency response concerns.
- (2) The sheriff in each county is encouraged to collaborate with the local school district on policies and procedures for communicating to the school district any instances of *trauma-exposed students*~~[student-involved trauma]~~.

➔Section 9. KRS 95.970 is amended to read as follows:

- (1) The chief of police in each city is encouraged to receive training on issues pertaining to school and student safety and shall be invited to meet annually with local superintendents to discuss emergency response plans and emergency response concerns.
- (2) The chief of police in each city is encouraged to collaborate with the local school district on policies and procedures for communicating to the school district any instances of *trauma-exposed students*~~[student-involved trauma]~~.

➔Section 10. KRS 156.095 is amended to read as follows:

- (1) The Kentucky Department of Education shall establish, direct, and maintain a statewide program of professional development to improve instruction in the public schools.
- (2) Each local school district superintendent shall appoint a certified school employee to fulfill the role and responsibilities of a professional development coordinator who shall disseminate professional development information to schools and personnel. Upon request by a school council or any employees of the district, the coordinator shall provide technical assistance to the council or the personnel that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.
  - (a) The manner of appointment, qualifications, and other duties of the professional development coordinator shall be established by Kentucky Board of Education through promulgation of administrative regulations.
  - (b) The local district professional development coordinator shall participate in the Kentucky Department of Education annual training program for local school district professional development coordinators. The training program may include, but not be limited to, the demonstration of various approaches to needs assessment and planning; strategies for implementing long-term, school-based professional development; strategies for strengthening teachers' roles in the planning, development, and evaluation of professional development; and demonstrations of model professional development programs. The training shall include information about teacher learning opportunities relating to the core content standards. The Kentucky Department of Education shall regularly collect and distribute this information.
- (3) The Kentucky Department of Education shall provide or facilitate optional, professional development programs for certified personnel throughout the Commonwealth that are based on the statewide needs of teachers, administrators, and other education personnel. Programs may include classified staff and parents when appropriate. Programs offered or facilitated by the department shall be at locations and times convenient to local school personnel and shall be made accessible through the use of technology when appropriate. They shall include programs that: address the goals for Kentucky schools as stated in KRS 158.6451, including reducing the achievement gaps as determined by an equity analysis of the disaggregated student performance data from the state assessment program developed under KRS 158.6453; engage educators in effective learning processes and foster collegiality and collaboration; and provide support for staff to incorporate newly acquired skills into their work through practicing the skills, gathering information about the results, and reflecting on their efforts. Professional development programs shall be made available to teachers based on their needs which shall include but not be limited to the following areas:
  - (a) Strategies to reduce the achievement gaps among various groups of students and to provide continuous progress;
  - (b) Curriculum content and methods of instruction for each content area, including differentiated instruction;
  - (c) School-based decision making;

- (d) Assessment literacy;
  - (e) Integration of performance-based student assessment into daily classroom instruction;
  - (f) Nongraded primary programs;
  - (g) Research-based instructional practices;
  - (h) Instructional uses of technology;
  - (i) Curriculum design to serve the needs of students with diverse learning styles and skills and of students of diverse cultures;
  - (j) Instruction in reading, including phonics, phonemic awareness, comprehension, fluency, and vocabulary;
  - (k) Educational leadership; and
  - (l) Strategies to incorporate character education throughout the curriculum.
- (4) The department shall assist school personnel in assessing the impact of professional development on their instructional practices and student learning.
- (5) The department shall assist districts and school councils with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level.
- (a) Professional development strategies may include, but are not limited to, participation in subject matter academies, teacher networks, training institutes, workshops, seminars, and study groups; collegial planning; action research; mentoring programs; appropriate university courses; and other forms of professional development.
  - (b) In planning the use of the four (4) days for professional development under KRS 158.070, school councils and districts shall give priority to programs that increase teachers' understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans. The district may use up to one (1) day to provide district-wide training and training that is mandated by state or federal law. Only those employees identified in the mandate or affected by the mandate shall be required to attend the training.
  - (c) State funds allocated for professional development shall be used to support professional development initiatives that are consistent with local school improvement and professional development plans and teachers' individual growth plans. The funds may be used throughout the year for all staff, including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council under KRS 160.345 may be used to prepare or enhance the teachers' knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.
- (6) (a) By August 1, 2010, the Kentucky Cabinet for Health and Family Services shall post on its Web page suicide prevention awareness information, to include recognizing the warning signs of a suicide crisis. The Web page shall include information related to suicide prevention training opportunities offered by the cabinet or an agency recognized by the cabinet as a training provider.
- (b) By September 15 of each year, every public school shall provide suicide prevention awareness information in person, by live streaming, or via a video recording to all students in grades six (6) through twelve (12). The information may be obtained from the Cabinet for Health and Family Services or from a commercially developed suicide prevention training program.
- (c) 1. Beginning with the 2018-2019 school year, and every ~~four~~ year thereafter, a minimum of one (1) hour of high-quality suicide prevention training, including the recognition of signs and symptoms of possible mental illness, shall be required for all school district employees with job duties requiring direct contact with students in grades six (6) through twelve (12). The training shall be provided either in person, by live streaming, or via a video recording and may be included in the four (4) days of professional development under KRS 158.070.
  - 2. When a staff member subject to the training under subparagraph 1. of this paragraph is initially hired during a school year in which the training is not required, the local district shall provide suicide prevention materials to the staff member for review.

- (d) The requirements of paragraphs (b) and (c) of this subsection shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).
- (7) (a) By November 1, 2019, and November 1 of each year thereafter, a minimum of one (1) hour of training on how to respond to an active shooter situation shall be required for all school district employees with job duties requiring direct contact with students. The training shall be provided either in person, by live streaming, or via a video recording prepared by the ***Kentucky Department of Criminal Justice Training***~~[Kentucky Department of Education]~~ in collaboration with the Kentucky Law Enforcement Council, ***the Kentucky Department of Education***, and the Center for School Safety and may be included in the four (4) days of professional development under KRS 158.070.
- (b) When a staff member subject to the training requirements of this subsection is initially hired after the training has been provided for the school year, the local district shall provide materials on how to respond to an active shooter situation.
- (c) The requirements of this subsection shall also apply to public charter schools as a health and safety requirement under KRS 160.1592(1).
- (8) (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 board of education 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, and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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 11. KRS 158.162 is amended to read as follows:

- (1) As used in this section:
- (a) "Emergency management response plan" or "emergency plan" means a written document to prevent, mitigate, prepare for, respond to, and recover from emergencies; and
  - (b) "First responders" means local fire, police, and emergency medical personnel.
- (2) (a) Each local board of education shall require the school council or, if none exists, the principal in each ~~public~~ school building in its jurisdiction to adopt an emergency plan to include procedures to be followed in case of fire, severe weather, or earthquake, or if a building lockdown as defined in KRS 158.164 is required.
- (b) Following adoption, the emergency plan, along with a diagram of the facility, shall be provided to appropriate first responders.
  - (c) The emergency plan shall be reviewed following the end of each school year by the school council, the principal, and first responders and shall be revised as needed.
  - (d) The principal shall discuss the emergency plan with all school staff prior to the first instructional day of each school year and shall document the time and date of any discussion.
  - (e) The emergency plan and diagram of the facility shall be excluded from the application of KRS 61.870 to 61.884.
- (3) Each local board of education shall require the school council or, if none exists, the principal in each ~~public~~ school building to:
- (a) Establish primary and secondary evacuation routes for all rooms located within the school and shall post the routes in each room by any doorway used for evacuation;
  - (b) Identify the best available severe weather safe zones, in consultation with local and state safety officials and informed by guiding principles set forth by the National Weather Service and the Federal Emergency Management Agency, and post the location of safe zones in each room of the school;
  - (c) Develop practices for students to follow during an earthquake; and
  - (d) Develop and adhere to practices to control the access to each school building. Practices shall include but not be limited to:
    - 1. Controlling outside access to exterior doors during the school day;
    - 2. Controlling the main entrance of the school with electronically locking doors, a camera, and an intercom system;
    - 3. Controlling access to individual classrooms;

4. Requiring classroom doors to be equipped with hardware that allows the door to be locked from the outside but opened from the inside;
  5. Requiring classroom doors to remain closed and locked during instructional time, ~~except:  $\pm$~~ 
    - a. *In instances in which only one (1) student and one (1) adult are in the classroom; or*
    - b. *When approved in writing by the state school security marshal;*
  6. Requiring classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown;
  7. Requiring all visitors to report to the front office of the building, provide valid identification, and state the purpose of the visit; and
  8. Providing a visitor's badge to be visibly displayed on a visitor's outer garment.
- (4) All schools shall be in compliance with the provisions of subsection (3)(d) of this section as soon as practicable but no later than July 1, 2022.
  - (5) Each local board of education shall require the principal in each public school building in its jurisdiction to conduct, at a minimum, emergency response drills to include one (1) severe weather drill, one (1) earthquake drill, and one (1) lockdown drill within the first thirty (30) instructional days of each school year and again during the month of January. Required fire drills shall be conducted according to administrative regulations promulgated by the Department of Housing, Buildings and Construction. Whenever possible, first responders shall be invited to observe emergency response drills.
  - (6) No later than November 1 of each school year, a local district superintendent shall send verification to the Kentucky Department of Education that all schools within the district are in compliance with the requirements of this section.
  - (7) A district with a school not in compliance with the requirements of subsection (3)(d) of this section by July 1, 2022, shall not be eligible for approval *by the Kentucky Department of Education* for new building construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance, except for facility improvements that specifically address *the school safety and security requirements of issues required by* this section, ~~or~~ *when deemed necessary in essential cases* for the protection of student or staff health and safety, *or to comply with other legal requirements or orders.*

➔Section 12. KRS 508.078 is amended to read as follows:

- (1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:
  - (a) With respect to any scheduled, publicly advertised event open to the public, any place of worship, or any school function, threatens to commit any act likely to result in death or serious physical injury to any person at a scheduled, publicly advertised event open to the public, any person at a place of worship, or any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school-sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons at a scheduled, publicly advertised event open to the public, place of worship, or school does not need to identify a specific person or persons or school in order for a violation of this section to occur;
  - (b) Makes false statements by any means, including by electronic communication, *indicating that an act likely to result in death or serious physical injury is occurring or will occur* for the purpose of:
    1. Causing evacuation of a school building, school property, or school-sanctioned activity;
    2. Causing cancellation of school classes or school-sanctioned activity; or
    3. Creating fear of *death or serious physical injury* ~~serious bodily harm~~ among students, parents, or school personnel;
  - (c) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or

- (d) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.
- (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.
- (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.
- (4) Except as provided in subsection (5) of this section, terroristic threatening in the second degree is a Class D felony.
- (5) Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

➔Section 13. Whereas school safety continues to be a top priority for the General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor February 21, 2020.**

## CHAPTER 6

### ( HCR 5 )

A CONCURRENT RESOLUTION calling for the expediting of research regarding the safety and efficacy of the use of marijuana for medical purposes.

WHEREAS, people have used marijuana, also called cannabis, for a variety of health conditions for at least 3,000 years; and

WHEREAS, 33 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands now allow the use of marijuana for certain medical purposes, and additional states and territories may soon approve the use of marijuana for medical purposes; and

WHEREAS, the decisions to legalize medical marijuana in those states and territories have been made by voters or legislators, and not because of a careful scientific evaluation of the benefits and risks of the use of marijuana; and

WHEREAS, an advanced society must have well-considered laws and regulations to move forward; and

WHEREAS, drugs and pharmaceuticals must meet many safety and efficacy standards to ensure that the public, health professionals, and industry are protected; and

WHEREAS, for over 80 years, federal law has directed that biological products directed for human use must meet established standards for purity, safety, and potency; and

WHEREAS, multiple tragedies have occurred over the course of United States history as the result of adulterated, deteriorated, impure, and ineffective drugs; and

WHEREAS, the thalidomide tragedy was fully understood by 1962 and remains a stark reminder that all drugs should be carefully and fully tested; and

WHEREAS, the Elixir of Sulfanilamide disaster in October 1937 caused over 100 deaths from an untested solvent; and

WHEREAS, marijuana has vastly different strains that each contain varying amounts and ratios of medicinally active compounds; and



WHEREAS, the amount and concentration of ingredients is difficult to ascertain from grower to grower or crop to crop; and

WHEREAS, a patient may risk complicating his or her treatment if the patient stabilizes on a certain strain or preparation of marijuana and then finds that the product that he or she was using is no longer available from a dispensary or grower; and

WHEREAS, different products may have different pharmacokinetic and drug interaction profiles, causing unforeseen complications in the patient's health or in his or her treatment for other conditions; and

WHEREAS, the bioavailability and bioactivity of cannabis depends on whether it is consumed as an edible, oil, vaporized, or smoked; and

WHEREAS, the United States Food and Drug Administration (FDA) sent warning letters to companies that illegally sell marijuana products with unsubstantiated medical claims in November 2017; and

WHEREAS, researchers have not conducted sufficient, large-scale clinical trials to show that the benefits of marijuana, when consumed as a whole plant, outweigh the risks for the patient that it is meant to treat; and

WHEREAS, on May 7, 2019, 30 members of Congress, representing 14 states and the District of Columbia, sent a bipartisan letter to United States Attorney General William Barr and the Acting Administrator of the Drug Enforcement Agency (DEA), Uttam Dhillon, urging them to "do whatever you can to speed up and improve the research application process"; and

WHEREAS, 27 of those bipartisan members of Congress represent 11 states and the District of Columbia which have already legalized medical marijuana, yet recognize that "we need more research" to bring "safe and effective medical treatments to those who are suffering as quickly as possible"; and

WHEREAS, researchers generally consider marijuana-based medications, like FDA-approved dronabinol (Marinol), nabilone (Cesamet), and Epidiolex, all of which are drugs that use purified chemicals derived from or based on those found in the marijuana plant, to be more promising than the use of the whole marijuana plant or its crude extracts; and

WHEREAS, several other marijuana-based medications have also been approved or are undergoing clinical trials; and

WHEREAS, up to 80 percent of people who request medical marijuana want to ease pain, and more than 33 percent cite post-traumatic stress disorder as the primary reason for their request; and

WHEREAS, two relevant reviews published in the journal *Annals of Internal Medicine* in August 2017, found little evidence to support either marijuana's effectiveness or safety in treating chronic pain or post-traumatic stress disorder; and

WHEREAS, marijuana can be addictive, and recent data suggests that 30 percent of those who use marijuana may have some degree of marijuana-use disorder; and

WHEREAS, marijuana impairs short-term memory and judgment and distorts perception; and

WHEREAS, evidence suggests that the risks of marijuana use include poorer educational performance, adverse consequences in the workplace, respiratory problems, increased risk for psychiatric disorders, increased risk for heart attack during the first hour after use, suicidal thoughts and attempted suicide among teens, and harm to unborn babies; and

WHEREAS, the United States Surgeon General issued an advisory on November 12, 2019, "emphasizing the importance of protecting our nation from the health risks of marijuana use in adolescence and during pregnancy" and noting that "recent increases in access to marijuana and in its potency, along with misperceptions of safety of marijuana, endanger our most precious resources, our nation's youth"; and

WHEREAS, the National Academies of Sciences, Engineering, and Medicine (NASEM) published a report in January 2017 that summarizes the current evidence and recommends that steps be taken to overcome regulatory barriers so that the health benefits and health risks of marijuana could be more fully understood; and

WHEREAS, further research is needed to determine whether or not a person whose health has been compromised by disease or the treatment of a disease, such as with chemotherapy, is at greater risk for adverse health outcomes from marijuana use; and

WHEREAS, a comprehensive research agenda focused on the potential benefits and adverse impacts of marijuana has not occurred and cannot occur under current federal law; and

WHEREAS, improvements and standardization of research methodologies for medical marijuana still need to occur; and

WHEREAS, the FDA requires carefully conducted studies, called clinical trials, in hundreds to thousands of human subjects to determine the benefits and risks of a possible medication; and

WHEREAS, the Kentucky General Assembly seeks to develop evidence-based policies regarding medical marijuana;

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 Kentucky General Assembly hereby recognizes the important scientific and enforcement work of the FDA, the National Institute on Drug Abuse, and the DEA.

➔Section 2. The Kentucky General Assembly hereby requests that the FDA, the National Institute on Drug Abuse, and the DEA expedite research on the safety and effectiveness of the use of marijuana for certain health purposes.

➔Section 3. The Kentucky General Assembly hereby further requests that the FDA, the National Institute on Drug Abuse, and the DEA adopt the changes recommended in NASEM's January 2017 report, if they would serve to expedite research into both the potential therapeutic benefits and risks of using marijuana for health purposes so that, as policymakers, the General Assembly may develop evidence-based and scientifically sound medical marijuana policies.

➔Section 4. The Clerk of the House of Representatives is directed to forward a copy of this Resolution to the FDA, the National Institute on Drug Abuse, and the DEA.

**Signed by Governor March 9, 2020.**

## **CHAPTER 7**

**( HB 24 )**

AN ACT relating to the Bowling Green Veterans Center, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. There is hereby appropriated to the Department of Veterans' Affairs from the General Fund \$2,500,000 in fiscal year 2019-2020 for design and preconstruction costs for the Bowling Green Veterans Center.

➔Section 2. Appropriations authorized in this Act shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

➔Section 3. Whereas the veterans of this Commonwealth deserve the best possible care, and whereas this Act will advance that highly important public purpose in this time of urgent need, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor March 10, 2020.**

## **CHAPTER 8**

**( SB 45 )**

AN ACT relating to child-care centers in Kentucky.

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

➔SECTION 1. A NEW SECTION OF KRS 199.892 TO 199.8996 IS CREATED TO READ AS FOLLOWS:

- (1) *Child-care centers licensed pursuant to KRS 199.896 shall have the following standards:*
  - (a) *Nutrition standards, if the child-care center provides food, that are consistent with the meal and snack patterns of the most recent version of the United States Department of Agriculture's Food and Nutrition Service standards for the Child and Adult Care Food Program. These nutrition standards do not apply to food that is brought from a child's home;*
  - (b) *Physical activity standards;*
  - (c) *Screen time standards; and*
  - (d) *Sugary drink standards.*
- (2) *The cabinet shall, within ninety (90) days of the effective date of this Act, promulgate administrative regulations, in consultation with the Kentucky Early Childhood Advisory Council established pursuant to KRS 200.700, the Kentucky Child Care Advisory Council established pursuant to KRS 199.8983, and state and national organizations that have expertise in nutrition, physical activity, screen time, and sugary drink standards, to establish the requirements and procedures for the implementation of the standards established in this section.*

**Signed by Governor March 11, 2020.**

## CHAPTER 9

( SB 123 )

AN ACT relating to reorganization.

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

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

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

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

- (1) The Governor.
- (2) Lieutenant Governor.
- (3) Department of State.
  - (a) Secretary of State.
  - (b) Board of Elections.
  - (c) Registry of Election Finance.
- (4) Department of Law.
  - (a) Attorney General.
- (5) Department of the Treasury.
  - (a) Treasurer.

- (6) Department of Agriculture.
  - (a) Commissioner of Agriculture.
  - (b) Kentucky Council on Agriculture.
- (7) Auditor of Public Accounts.

II. Program cabinets headed by appointed officers:

- (1) Justice and Public Safety Cabinet:
  - (a) Department of Kentucky State Police.
  - (b) Department of Criminal Justice Training.
  - (c) Department of Corrections.
  - (d) Department of Juvenile Justice.
  - (e) Office of the Secretary.
  - (f) Office of Drug Control Policy.
  - (g) Office of Legal Services.
  - (h) Office of the Kentucky State Medical Examiner.
  - (i) Parole Board.
  - (j) Kentucky State Corrections Commission.
  - (k) Office of Legislative and Intergovernmental Services.
  - (l) Office of Management and Administrative Services.
  - (m) Department of 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.
    - 3. Office of the Kentucky Workforce Innovation Board.
    - 4. Foundation for Adult Education.
    - 5. Early Childhood Advisory Council.
  - (b) Office of Legal and Legislative Services.
    - 1. Client Assistance Program.
  - (c) Office of Communication.
  - (d) Office of Administrative Services.
    - 1. Division of Human Resources.
    - 2. Division of Operations and Support Services.
    - 3. Division of Fiscal Management.
  - (e) Office of Technology Services.
  - (f) Office of Educational Programs.
  - (g) Office of the Kentucky Center for Statistics.
  - (h) Board of the Kentucky Center for 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 of Vocational Rehabilitation.
    - a. Division of Kentucky Business Enterprise.
    - b. Division of the Carl D. Perkins Vocational Training Center.
    - c. Division of Blind Services.
    - d. Division of Field Services.
    - e. Statewide Council for Vocational Rehabilitation.
  2. Office of Unemployment Insurance.
  3. Office of Employer and Apprenticeship Services.
    - a. Division of Apprenticeship.
  4. Office of Career Development.
  5. Office of Adult Education.
  6. Unemployment Insurance Commission.
  7. Kentucky Apprenticeship Council.
- (m) Foundation for Workforce Development.
- (n) Kentucky Workforce Investment Board.
- (o) 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.
- (p) Kentucky Commission on the Deaf and Hard of Hearing.
- (q) Kentucky Educational Television.
- (r) Kentucky Environmental Education Council.
- (3) Energy and Environment Cabinet:
  - (a) Office of the Secretary.
    1. Office of Legislative and Intergovernmental Affairs.
    2. Office of Legal Services.
      - a. Legal Division I.
      - b. Legal Division II.
    3. Office of Administrative Hearings.
    4. Office of Communication.
    5. Mine Safety Review Commission.
    6. Office of Kentucky Nature Preserves.
    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 Mine Permits.
  3. Division of Mine Reclamation and Enforcement.
  4. Division of Abandoned Mine Lands.
  5. Division of Oil and Gas.
  6. Division of Mine Safety.
  7. Division of Forestry.
  8. Division of Conservation.
  9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
  1. Division of Energy Assistance.
- (e) Office of Administrative Services.
  1. Division of Human Resources Management.
  2. Division of Financial Management.
  3. Division of Information Services.
- (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.
      - f. Professional Licensing Legal Division.
    3. Office of Administrative Hearings.
    4. Office of Administrative Services.
      - a. Division of Human Resources.
      - b. Division of Fiscal Responsibility.
  - (b) Kentucky Claims Commission.
  - (c) Kentucky Boxing and Wrestling Commission.

- (d) Kentucky Horse Racing Commission.
    - 1. Office of Executive Director.
      - a. Division of Pari-mutuel Wagering and Compliance.
      - b. Division of Stewards.
      - c. Division of Licensing.
      - d. Division of Enforcement.
      - e. Division of Incentives and Development.
      - f. Division of Veterinary Services.
  - (e) Department of Alcoholic Beverage Control.
    - 1. Division of Distilled Spirits.
    - 2. Division of Malt Beverages.
    - 3. Division of Enforcement.
  - (f) Department of Charitable Gaming.
    - 1. Division of Licensing and Compliance.
    - 2. Division of Enforcement.
  - (g) Department of Financial Institutions.
    - 1. Division of Depository Institutions.
    - 2. Division of Non-Depository Institutions.
    - 3. Division of Securities.
  - (h) 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.
  - (i) Department of Insurance.
    - 1. Division of Insurance Product Regulation.
    - 2. Division of Administrative Services.
    - 3. Division of Financial Standards and Examination.
    - 4. Division of Agent Licensing.
    - 5. Division of Insurance Fraud Investigation.
    - 6. Division of Consumer Protection.
  - (j) Department of Professional Licensing.
    - 1. Real Estate Authority.
- (5) Labor Cabinet.
- (a) Office of the Secretary.
    - 1. Office of General Counsel.
      - a. Workplace Standards Legal Division.
      - b. Workers' Claims Legal Division.
    - 2. Office of Administrative Services.

## ACTS OF THE GENERAL ASSEMBLY

- a. Division of Human Resources Management.
  - b. Division of Fiscal Management.
  - c. Division of Professional Development and Organizational Management.
  - d. Division of Information Technology and Support Services.
- 3. Office of Inspector General.
- (b) Department of Workplace Standards.
  - 1. Division of Occupational Safety and Health Compliance.
  - 2. Division of Occupational Safety and Health Education and Training.
  - 3. Division of Wages and Hours.
- (c) Department of Workers' Claims.
  - 1. Division of Workers' Compensation Funds.
  - 2. Office of Administrative Law Judges.
  - 3. Division of Claims Processing.
  - 4. Division of Security and Compliance.
  - 5. Division of Information Services.
  - 6. Division of Specialist and Medical Services.
  - 7. Workers' Compensation Board.
- (d) Workers' Compensation Funding Commission.
- (e) Occupational Safety and Health Standards Board.
- (f) State Labor Relations Board.
- (g) Employers' Mutual Insurance Authority.
- (h) Kentucky Occupational Safety and Health Review Commission.
- (i) Workers' Compensation Nominating Committee.
- (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.
    - 3. Department for Financial Services.
      - a. Kentucky Economic Development Finance Authority.
      - b. Finance and Personnel Division.
      - c. IT and Resource Management Division.
      - d. Compliance Division.
      - e. Incentive Administration Division.
      - f. Bluegrass State Skills Corporation.
    - 4. Office of Marketing and Public Affairs.
      - a. Communications Division.
      - b. Graphics Design Division.
    - 5. Office of Workforce, Community Development, and Research.
    - 6. Office of Entrepreneurship.
      - a. Commission on Small Business Advocacy.
- (8) Cabinet for Health and Family Services:
  - (a) Office of the Secretary.
    - 1. ~~{Office of Health Data and Analytics.~~
    - 2. ~~{}~~ Office of the Ombudsman and Administrative Review.
    - 2.~~{3.}~~ Office of Public Affairs.
    - 3.~~{4.}~~ Office of Legal Services.
    - 4.~~{5.}~~ Office of Inspector General.
    - 5. ***Office of Human Resource Management.***
    - 6. ***Office of Finance and Budget.***
    - 7. ***Office of Legislative and Regulatory Affairs.***
    - 8. ***Office of Administrative Services.***
    - 9. ***Office of Application Technology Services.***
  - (b) ~~{Office of Finance and Budget.~~
  - (c) ~~Office of Human Resource Management.~~
  - (d) ~~Office of Administrative Services.~~
  - (e) ~~Office of Application Technology Services.~~

- ~~(f)}~~ Department for Public Health.
- ~~(c){(e)}~~ Department for Medicaid Services.
- ~~(d){(h)}~~ Department for Behavioral Health, Developmental and Intellectual Disabilities.
- ~~(e){(i)}~~ Department for Aging and Independent Living.
- ~~(f){(j)}~~ Department for Community Based Services.
- ~~(g){(k)}~~ Department for Income Support.
- ~~(h){(l)}~~ Department for Family Resource Centers and Volunteer Services.
- ~~(i){(m)}~~ Office for Children with Special Health Care Needs.

**(j) Office of Health Data and Analytics.**

~~{(n) Office of Legislative and Regulatory Affairs.}~~

(9) Finance and Administration Cabinet:

- (a) Office of the Secretary.
- (b) Office of the Inspector General.
- (c) Office of Legislative and Intergovernmental Affairs.
- (d) Office of General Counsel.
- (e) Office of the Controller.
- (f) Office of Administrative Services.
- (g) Office of Policy and Audit.
- (h) Department for Facilities and Support Services.
- (i) Department of Revenue.
- (j) Commonwealth Office of Technology.
- (k) State Property and Buildings Commission.
- (l) Office of Equal Employment Opportunity and Contract Compliance.
- (m) Kentucky Employees Retirement Systems.
- (n) Commonwealth Credit Union.
- (o) State Investment Commission.
- (p) Kentucky Housing Corporation.
- (q) Kentucky Local Correctional Facilities Construction Authority.
- (r) Kentucky Turnpike Authority.
- (s) Historic Properties Advisory Commission.
- (t) Kentucky Tobacco Settlement Trust Corporation.
- (u) Kentucky Higher Education Assistance Authority.
- (v) Kentucky River Authority.
- (w) Kentucky Teachers' Retirement System Board of Trustees.
- (x) Executive Branch Ethics Commission.

(10) Tourism, Arts and Heritage Cabinet:

- (a) Kentucky Department of 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, Infrastructure, and Technology.
  4. Division of Fisheries.
  5. Division of Information and Education.
  6. Division of Wildlife.
  7. Division of Marketing.
- (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 Government Relations and Administration.
  - 3. Office of Film and Tourism Development.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) 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.
- (q) Kentucky Center for the Arts.
  - 1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) 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, Equality, and Training.
  - (j) Office of Public Affairs.
- 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.
- (10) Kentucky Communications Network Authority.

➔Section 2. KRS 194A.030 is amended to read as follows:

The cabinet consists of the following major organizational units, which are hereby created:

- (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office of the Ombudsman and Administrative Review, an Office of Legal Services, an Office of Inspector General, an Office of Public Affairs, ***an Office of Human Resource Management, an Office of Finance and Budget, an Office of Legislative and Regulatory Affairs, an Office of Administrative Services*** and an Office of ***Application Technology Services***~~[Health Data and Analytics]~~, as follows:
  - (a) The Office of the Ombudsman and Administrative Review shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and shall:
    - 1. Investigate, upon complaint or on its own initiative, any administrative act of an organizational unit, employee, or contractor of the cabinet, without regard to the finality of the administrative act. Organizational units, employees, or contractors of the cabinet shall not willfully obstruct an investigation, restrict access to records or personnel, or retaliate against a complainant or cabinet employee;
    - 2. Make recommendations that resolve citizen complaints and improve governmental performance and may require corrective action when policy violations are identified;
    - 3. Provide evaluation and information analysis of cabinet performance and compliance with state and federal law;
    - 4. Place an emphasis on research and best practices, program accountability, quality service delivery, and improved governmental performance;
    - 5. Provide information on how to contact the office for public posting at all offices where Department for Community Based Services employees or contractors work, at any facility where a child in the custody of the cabinet resides, and to all cabinet or contracted foster parents;
    - 6. Report to the Office of Inspector General any charge or case against an employee of the Cabinet for Health and Family Services where it has cause to believe the employee has engaged in dishonest, unethical, or illegal conduct or practices related to his or her job duties; or any violation of state law or administrative regulation by any organization or individual regulated by, or contracted with the cabinet;
    - 7. Compile a report of all citizen complaints about programs or services of the cabinet and a summary of resolution of the complaints and submit the report upon request to the Child Welfare Oversight and Advisory Committee established in KRS 6.943 and the Interim Joint Committee on Health and Welfare and Family Services; and
    - 8. Include oversight of administrative hearings;
  - (b) The Office of Legal Services shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of Legal Services shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney, giving legal advice and opinions concerning the operation of all programs in the cabinet. The Office of Legal Services shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;

- (c) The Office of Inspector General shall be headed by an inspector general who shall be appointed by the secretary with the approval of the Governor. The inspector general shall be directly responsible to the secretary. The Office of Inspector General shall be responsible for:
1. The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; and the conduct of special investigations requested by the secretary, commissioners, or office heads of the cabinet into matters related to the cabinet or its programs;
  2. Licensing and regulatory functions as the secretary may delegate;
  3. Review of health facilities participating in transplant programs, as determined by the secretary, for the purpose of determining any violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
  4. The duties, responsibilities, and authority pertaining to the certificate of need functions and the licensure appeals functions, pursuant to KRS Chapter 216B; and
  5. The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority;~~and~~
- (d) *The Office of Public Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide information to the public and news media about the programs, services, and initiatives of the cabinet;*
- (e) *The Office of Human Resource Management shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality improvement services; curriculum development and delivery of instruction to staff; the administration, management, and oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions;*
- (f) *The Office of Finance and Budget shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of budget, contract, and cabinet finances. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;*
- (g) *The Office of Legislative and Regulatory Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of legislation, policy, and administrative regulations. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;*
- (h) *The Office of Administrative Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of procurement, general accounting including grant monitoring, and facility management. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary; and*
- (i) *The Office of Application Technology Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide application technology services including central review and oversight. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary*~~[The Office of Health Data and Analytics shall be headed by an executive director appointed by the secretary with the approval of the Governor. The Office of Health Data and Analytics shall:~~
1. ~~Be responsible for:~~
    - a. ~~The Division of Health Benefit Exchange;~~
    - b. ~~The Division of Health Information; and~~
    - c. ~~The Division of Analytics;~~

- ~~2. Identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improving the health outcomes of all Kentuckians through data analytics;~~
  - ~~3. Provide leadership in the redesign of the health care delivery system using electronic information technology as a means to improve patient care and reduce medical errors and duplicative services; and~~
  - ~~4. Facilitate the purchase of individual and small business health insurance coverage for Kentuckians;~~
- (2) Department for Medicaid Services. The Department for Medicaid Services shall serve as the single state agency in the Commonwealth to administer Title XIX of the Federal Social Security Act. The Department for Medicaid Services shall be headed by a commissioner for Medicaid services, who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for Medicaid services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for Medicaid services shall exercise authority over the Department for Medicaid Services under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
  - (3) Department for Public Health. The Department for Public Health shall develop and operate all programs of the cabinet that provide health services and all programs for assessing the health status of the population for the promotion of health and the prevention of disease, injury, disability, and premature death. This shall include but not be limited to oversight of the Division of Women's Health. The Department for Public Health shall be headed by a commissioner for public health who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for public health shall be a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner shall advise the head of each major organizational unit enumerated in this section on policies, plans, and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The commissioner shall serve as chief medical officer of the Commonwealth. The commissioner for public health shall exercise authority over the Department for Public Health under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
  - (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall develop and administer programs for the prevention of mental illness, intellectual disabilities, brain injury, developmental disabilities, and substance abuse disorders and shall develop and administer an array of services and support for the treatment, habilitation, and rehabilitation of persons who have a mental illness or emotional disability, or who have an intellectual disability, brain injury, developmental disability, or a substance abuse disorder. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall be headed by a commissioner for behavioral health, developmental and intellectual disabilities who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for behavioral health, developmental and intellectual disabilities shall be by training and experience in administration and management qualified to perform the duties of the office. The commissioner for behavioral health, developmental and intellectual disabilities shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
  - (5) Office for Children with Special Health Care Needs. The duties, responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed by the office. The office shall advocate the rights of children with disabilities and, to the extent that funds are available, shall ensure the administration of services for children with disabilities as are deemed appropriate by this office pursuant to Title V of the Social Security Act. The office may promulgate administrative regulations under KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The duties, responsibilities, and authority of the Office for Children with Special Health Care Needs shall be performed through the office of the executive director. The executive director shall be appointed by the secretary with the approval of the Governor under KRS 12.050;
  - (6) Department for Family Resource Centers and Volunteer Services. The Department for Family Resource Centers and Volunteer Services shall streamline the various responsibilities associated with the human services programs for which the cabinet is responsible. This shall include, but not be limited to, oversight of the Division of Family Resource and Youth Services Centers and Serve Kentucky. The Department for Family Resource Centers and Volunteer Services shall be headed by a commissioner who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for family resource centers and volunteer services shall be by training and experience in administration and management qualified to

perform the duties of the office, shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;

- (7) *The Office of Health Data and Analytics shall identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improved health outcomes for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology as a means to improve patient care and reduce medical errors and duplicative services. The office shall facilitate the purchase of individual and small business health insurance coverage for Kentuckians. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor under KRS 12.050;*~~{The Office of Administrative Services shall provide central review and oversight of procurement, general accounting to include grant monitoring, and facility management for cabinet. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;~~
- ~~(8) The Office of Application Technology Services shall provide application technology services including central review and oversight. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;~~
- ~~(9) Office of Human Resource Management. The Office of Human Resource Management shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality personnel services; curriculum development and delivery of instruction to staff; the administration, management, and oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;~~
- ~~(10) The Office of Finance and Budget shall provide central review and oversight of budget, contracts, and cabinet finances. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;~~
- ~~(8){(11)}~~ Department for Community Based Services. The Department for Community Based Services shall administer and be responsible for child and adult protection, violence prevention resources, foster care and adoption, permanency, and services to enhance family self-sufficiency, including child care, social services, public assistance, and family support. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
- ~~(9){(12)}~~ Department for Income Support. The Department for Income Support shall be responsible for child support enforcement and disability determination. The department shall serve as the state unit as required by Title II and Title XVI of the Social Security Act, and shall have responsibility for determining eligibility for disability for those citizens of the Commonwealth who file applications for disability with the Social Security Administration. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050; *and*
- ~~(10){(13)}~~ Department for Aging and Independent Living. The Department for Aging and Independent Living shall serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and shall have responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of ~~{adult day care and }~~assisted living facilities, the state Council on Alzheimer's Disease and other related disorders, ~~{the Institute on Aging, }~~and guardianship services. The department shall also administer the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers *Participant Directed Services Option (PDS)*~~{Consumer Directed Option (CDO)}~~ Program. The department shall serve as the information and assistance center for aging and disability services and administer multiple federal grants and other state initiatives. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;~~;~~ *and*
- ~~(14) The Office of Legislative and Regulatory Affairs shall provide central review and oversight of legislation, policy, and administrative regulations. The office shall provide coordination, assistance, and support to~~



~~program departments and independent review and analysis on behalf of the secretary. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050}.~~

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

*There is hereby created a Division of Telehealth Services within the Office of Health Data and Analytics to be headed by a director appointed by the secretary pursuant to KRS 12.050. The division shall provide oversight, guidance, and direction to Medicaid providers delivering care using telehealth. The division shall implement telehealth services and develop standards, guidance, resources, and education to help promote access to healthcare services in the Commonwealth.*

➔Section 4. Notwithstanding KRS 12.028(5), the General Assembly hereby confirms:

- (1) Executive Order 2019-286, which was dated April 16, 2019, to the extent that it is not otherwise confirmed or superseded by this Act;
- (2) Executive Order 2019-466, which was dated June 19, 2019, to the extent that it is not otherwise confirmed or superseded by this Act; and
- (3) Executive Order 2019-719, which was dated September 17, 2019, to the extent that it is not otherwise confirmed or superseded by this Act.

**Signed by Governor March 11, 2020.**

## CHAPTER 10

( HB 214 )

AN ACT relating to the Veterinary Contract Spaces Program 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 164 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section:*
  - (a) *"Authority" means the Kentucky Higher Education Assistance Authority;*
  - (b) *"Full enrollment space amount" means the difference between the out-of-state and in-state tuition amount at a public participating veterinary school or an equivalent amount determined by the authority for a nonpublic participating veterinary school;*
  - (c) *"Kentucky student" means a Kentucky resident as determined by the authority using the criteria established by the Council on Postsecondary Education for the purposes of postsecondary admission and tuition assessment;*
  - (d) *"Participating veterinary school" means a college of veterinary medicine approved by the authority for participation in the program; and*
  - (e) *"Program" means the Veterinary Contract Spaces Program.*
- (2) *The General Assembly establishes the Veterinary Contract Spaces Program to provide financial assistance and access to Kentucky students seeking a veterinary education and to help ensure the availability of a sufficient veterinary workforce in the Commonwealth.*
- (3) *The authority shall administer the program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the program.*
- (4) *Subject to the availability of funds, the authority shall contract to purchase at least one hundred sixty-four (164) enrollment spaces annually for Kentucky students at one (1) or more participating veterinary schools. To the extent possible, the contract shall be for the full enrollment space amount.*

- (5) *Kentucky students enrolled in a participating veterinary school and selected by the school for participation in the program shall receive a tuition credit from the school in the amount required to purchase his or her enrollment space each semester, not to exceed eight (8) semesters.*
- (6) *To the extent possible, the authority shall secure enrollment spaces so that Kentucky students participating in the program may continue applying tuition credits at the same participating veterinary school for up to eight (8) semesters.*
- (7)
  - (a) *The Veterinary Contract Spaces Program trust fund is hereby created as a trust fund in the State Treasury to be administered by the authority for the purpose of purchasing enrollment spaces for Kentucky students in participating veterinary schools as described in this section.*
  - (b) *The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.*
  - (c) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.*
  - (d) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.*

➔Section 2. The General Assembly recognizes and acknowledges the Commonwealth's long-standing and positive relationship with Auburn University and Tuskegee University in providing veterinary contract spaces to Kentucky students and the positive return rate of contract students to the Commonwealth after graduation. The General Assembly hereby recommends and encourages the continuation of purchasing spaces from these institutions under the Veterinary Contract Spaces Program established in this Act.

**Signed by Governor March 11, 2020.**

## CHAPTER 11

( HB 319 )

AN ACT relating to historical preservation of Revolutionary War battlefields, Civil War battlefields, and Underground Railroad sites, 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 171 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby established in the State Treasury a trust and agency account to be known as the Kentucky battlefield preservation fund.*
- (2) *The account shall consist of moneys received from state appropriations, gifts, grants, and federal funds.*
- (3) *The account shall be administered by the Kentucky Heritage Council.*
- (4) *Notwithstanding KRS 45.229, moneys in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.*
- (5) *Any interest earnings of the account shall become a part of the account and shall not lapse.*
- (6) *Moneys deposited into the account 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.*
- (7)
  - (a) *Amounts deposited in the account shall be used exclusively by the Kentucky Heritage Council to provide grants. Grants shall be made to private nonprofit organizations.*
  - (b) *All grants shall be made solely for the fee simple purchase of, or purchase of protective interests in:*
    - 1. *Any Kentucky battlefield site considered in:*

- a. *The report issued by the Civil War Sites Advisory Commission, National Park Service, 1993, as amended, entitled Report on the Nation's Civil War Battlefields; or*
    - b. *The report prepared by the American Battlefield Protection Program, National Park Service, U.S. Department of the Interior, September 2007, as amended, entitled Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States; or*
  - 2. *Any site associated with the Underground Railroad that is eligible for National Historic Landmark designation or for listing in the National Register of Historic Places.*
- (8) (a) *Private nonprofit organizations seeking grant funding from the account shall be required to provide matching funds from any non-state sources on a dollar-for-dollar basis.*
- (b) *For the purposes of this subsection, "matching funds" means cash or the donation of land, or interest therein, made by the landowner as part of the proposed project.*
- (c) *No state funds may be included in determining the amount of the match.*
- (d) *Grants from the account shall not exceed fifty percent (50%) of the appraised value of the land or permanent protective interests therein.*
- (e) *Grants from the account may be awarded for prospective purchases.*
- (9) *Eligible costs for which moneys from the account may be allocated include:*
- (a) *Acquisition of land and any improvements thereon;*
  - (b) *Permanent protective interests;*
  - (c) *Conservation easements;*
  - (d) *Costs of appraisals;*
  - (e) *Environmental reports;*
  - (f) *Surveys;*
  - (g) *Title searches and title insurance; and*
  - (h) *Any other closing costs.*
- (10) (a) *Any eligible organization making an acquisition of land or interest therein shall grant to the Commonwealth a perpetual easement placing restrictions on the use or development of the land.*
- (b) *All terms and conditions of the easement shall be reviewed by and found by the Kentucky Heritage Council to be consistent with other conservation easements under KRS 67A.840 to 67A.850.*
- (c) *Any eligible organization shall demonstrate to the Kentucky Heritage Council that it has the capacity and expertise to manage and enforce the terms of the easement.*
- (11) *The Kentucky Heritage Council shall:*
- (a) *Establish, administer, manage, and make expenditures and allocations from the account;*
  - (b) *Establish guidelines for applications for grants of moneys from the account;*
  - (c) *Prioritize and award grants of moneys from the account; and*
  - (d) *Consider in relation to core and study areas of the sites identified in subsection (7)(b) of this section:*
    - 1. *The significance of the site;*
    - 2. *The location of the proposed project;*
    - 3. *The proximity to other protected lands;*
    - 4. *The threat to and integrity of the features associated with the historic significance of the site; and*
    - 5. *The financial and administrative capacity of the applicant to complete the project and to maintain and manage the property consistent with the public investment and public interest, including:*

- a. *Education;*
- b. *Recreation;*
- c. *Research;*
- d. *Heritage tourism promotion; or*
- e. *Orderly community development.*

(12) *Nothing in the section shall be construed to prevent the subsequent transfer of property acquired under this section to the United States of America, its agencies, or instrumentalities.*

**Signed by Governor March 12, 2020.**

## CHAPTER 12

( HB 44 )

AN ACT relating to key infrastructure assets.

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

➔Section 1. KRS 511.100 is amended to read as follows:

(1) As used in this section:

(a) "Key infrastructure assets" means:

- 1. Any critical node of a system used in the production or generation of electrical energy;
- 2. A petroleum refinery;
- 3. A rubber or hazardous chemical manufacturing facility;
- 4. A petroleum or hazardous chemical storage facility or terminal;
- 5. Natural gas processing, fractionation, stabilization, and compressor station facilities, as well as above-ground *natural gas or petroleum* pipelines and related facilities;
- 6. Railroad yards and railroad tunnel portals;
- 7. A drinking water collection, treatment, or storage facility;
- 8. Grounds or property of a state prison, juvenile justice facility, jail, or other facility for the detention of persons charged with or convicted of crimes;
- 9. A facility used for research, development, design, production, delivery, or maintenance of military weapons systems, subsystems, and components or parts to meet military requirements of the United States; ~~for~~
- 10. A wireless communications facility, including the tower, antennae, support structures and all associated ground-based equipment, and a telecommunications central switching office; ~~or~~ ~~and~~

**11. A cable television headend; and**

- (b) "Unmanned aircraft system" means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
- (2) (a) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property on which key infrastructure assets are located.
- (b) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly uses, or retains or authorizes a person to use, an unmanned aircraft system to fly above real property on which key infrastructure assets are located with the intent to cause harm or damage to or conduct surveillance

of the key infrastructure asset without the prior consent of the owner, tenant, or lessee of the real property.

- (3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.
- (4) This section does not apply to:
  - (a) An unmanned aircraft system used by the federal government or by the Commonwealth, or by a person acting pursuant to a contract with the federal government or the Commonwealth;
  - (b) An unmanned aircraft system used by:
    - 1. The owner of the real property or key infrastructure asset;
    - 2. A person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right granted by the owner of the real property or key infrastructure asset; or
    - 3. A third party who is retained or authorized by a person specified in subparagraph 1. or 2. of this paragraph;
  - (c) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous material response team, disaster management agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose;
  - (d) Operation of an unmanned aircraft system by a person or entity for a commercial purpose in compliance with applicable Federal Aviation Administration authorization, regulations, or exemptions;
  - (e) A satellite orbiting the earth;
  - (f) An unmanned aircraft system used by an insurance company or a person acting on behalf of an insurance company for purposes of underwriting an insurance risk or investigating damage to insured property; or
  - (g) An unmanned aircraft system used strictly in accordance with an order of a court of competent jurisdiction.

➔Section 2. KRS 512.020 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he *or she* has such right, he *or she* intentionally or wantonly:
  - (a) Defaces, destroys, or damages any property causing pecuniary loss of \$1,000 or more; *or*
  - (b) *Tampers with the operations of a key infrastructure asset, as defined in Section 1 of this Act, in a manner that renders the operations harmful or dangerous.*
- (2) Criminal mischief in the first degree is a Class D felony.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

*A civil action may be maintained under this section against any person that knowingly directs or causes a person to violate subsection (1)(b) of Section 2 of this Act. Liability shall include actual damages to personal or real property caused by the offense and may include punitive damages and court costs.*

**Signed by Governor March 16, 2020.**

## CHAPTER 13

( HB 238 )

AN ACT relating to the deputy and state veterinarian and declaring an emergency.

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

➔Section 1. KRS 257.210 is amended to read as follows:

- (1) The board shall appoint the state veterinarian.
- (2) The state veterinarian shall be a ~~resident of this state and a~~ licensed ~~graduate~~ veterinarian who has practiced veterinary medicine ~~continuously in this state~~ for **at least** five (5) years prior to his **or her** appointment.
- (3) The state veterinarian shall serve for a term of four (4) years and until ~~a~~**his** successor has been appointed ~~and has qualified~~.
- (4) He **or she** shall be subject to removal from office by the board at any time for cause.
- (5) The office of the state veterinarian shall be in the Department of Agriculture ~~at the state capital~~.

➔Section 2. KRS 257.240 is amended to read as follows:

- (1) Upon the recommendation of the state veterinarian, the board may within its discretion appoint a deputy state veterinarian.
- (2) **The deputy state veterinarian** ~~He~~ shall hold office for a term of four (4) years and until ~~a~~**his** successor has been elected and qualified. He **or she** shall be subject to removal from office by the board at any time for cause.
- (3) **The deputy state veterinarian** ~~He~~ shall be a ~~resident of this state, and a~~ licensed ~~graduate~~ veterinarian who has practiced veterinary medicine ~~continuously within this state~~ for **at least** ~~a period of~~ three (3) years prior to his **or her** appointment.

➔Section 3. Whereas the board faces time-sensitive personnel issues relating to the deputy state veterinarian position, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon it otherwise becoming law.

**Signed by Governor March 16, 2020.**

## CHAPTER 14

### ( HB 167 )

AN ACT relating to involuntary termination of parental rights and declaring an emergency.

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

➔Section 1. KRS 625.060 is amended to read as follows:

- (1) In addition to the child, the following shall be the parties in an action for involuntary termination of parental rights:
  - (a) The petitioner;
  - (b) The cabinet, if not the petitioner; **and**
  - (c) The biological parents, if known and if their rights have not been previously terminated. It shall not be necessary to make the putative father a party if he is exempted by KRS 625.065 ~~and~~
  - ~~(d) A foster parent of a child who is currently placed with the foster parent, and the child is part of the involuntary termination of parental rights action that is related to an allegation of dependency, neglect, or abuse pursuant to KRS Chapter 620, unless the judge determines this involvement is inappropriate.~~
- (2) Any party other than the child who is not the petitioner shall be a respondent.
- (3) ***A foster parent of a child who is currently placed with the foster parent may intervene as a matter of right in any action for the involuntary termination of parental rights involving a child who is placed with the foster parent. Such intervention may be made anonymously or in the true name of the foster parent. If proceeding anonymously, the foster parent shall be identified by initials and shall receive service through his or her counsel or, if not represented by counsel, by providing a preferred mailing address to receive notices from the court and other parties.***

➔Section 2. KRS 625.070 is amended to read as follows:

- (1) In any action for involuntary termination of parental rights, service upon the parties shall be accomplished by personal service where possible or constructive service where personal service is not possible, pursuant to the Kentucky Rules of Civil Procedure.
- (2) No service shall be necessary if a disclaimer of paternity or a petition for voluntary termination of parental rights has been executed by a parent or alleged parent and filed in the record, or an order terminating parental rights has been entered by a Circuit Court of competent jurisdiction.
- (3) Notwithstanding the provisions of the Kentucky Rules of Civil Procedure, appointment of a guardian ad litem for a child in an action for termination of parental rights, and service of the petition upon the guardian ad litem shall be sufficient for personal jurisdiction over the child in the action.
- (4) *Within five (5) days of filing a petition for involuntary termination of parental rights, the petitioner shall send a courtesy copy of the petition to the foster parent, if the child is currently placed with a foster parent, by certified mail or hand delivery. Upon request of the court, the petitioner shall provide documentation of sending through either a copy of a signed mailing receipt or an affidavit verified by the foster parent. If the foster parent's name and address are unknown to the petitioner, then the courtesy copy shall be served on the secretary of the Cabinet for Health and Family Services, who shall cause it to be delivered in any manner provided by the Rules of Civil Procedure to the foster parent.*

➔Section 3. Whereas the consideration of terminating the rights of a parent is of the highest importance to the welfare of children in 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 March 16, 2020.**

## CHAPTER 15

( HB 357 )

AN ACT relating to emergency medical services professions reciprocity.

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

➔Section 1. KRS 311A.142 is amended to read as follows:

- (1) Any member of the United States military who is registered by the National Registry of Emergency Medical Technicians as an **emergency medical responder**, emergency medical technician~~Basic~~, **advanced** emergency medical technician~~Intermediate~~, or ~~Emergency Medical Technician~~ paramedic shall be eligible for ~~direct~~ reciprocity for ~~initial~~ Kentucky certification **or licensure**~~as an emergency medical technician~~ **at the same certification or licensure level.**
- (2) *Any emergency medical responder, emergency medical technician, advanced emergency medical technician, or paramedic that is currently certified or licensed and in good standing with a state contiguous to Kentucky shall be eligible for reciprocity at the same certification or licensure level in accordance with administrative regulations promulgated in accordance with KRS Chapter 13A.*
- (3)~~(2)~~ The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations in accordance with KRS Chapter 13A as necessary to implement the provisions of this section.

**Signed by Governor March 17, 2020.**

## CHAPTER 16

( HB 59 )

AN ACT relating to farmer suicide prevention and awareness.

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

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

- (1) *The Wednesday of National Farm Safety Week, which is the third week of September, shall be observed in Kentucky as "Farmer Suicide Prevention Day."*
- (2) *The Governor shall annually proclaim the Wednesday of National Farm Safety Week as "Farmer Suicide Prevention Day" and encourage citizens of this Commonwealth to recognize the mental health challenges faced in the farming community and to fully support those farmers and farm families who produce the food, fiber, feed, and fuel for this nation and the world.*

Signed by Governor March 17, 2020.

## CHAPTER 17

( SB 63 )

AN ACT relating to high school programs.

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

➔Section 1. KRS 158.100 is amended to read as follows:

- (1) Notwithstanding any statute to the contrary, each school district shall provide an approved preschool school program through twelve (12) grade school service. An approved preschool school program through eight (8) grade school service shall be provided for the children residing in the district by maintaining schools. An approved high school service for all children of high school grade under twenty-one (21) years of age residing in the district shall be provided either by maintaining the schools within the district or by contract with another district. The board of education of any school district, subject to the approval of the chief state school officer, may establish night schools, industrial schools, and other schools for the residents of the district as it deems advisable.
- (2) A school district may provide an approved high school program to a student who is a refugee or legal alien until the student graduates or until the end of the school year in which the student reached the age of twenty-one (21), whichever occurs first.
- (3)
  - (a) *The board of education of any school district may establish a virtual high school completion program for residents of the district of at least twenty-one (21) years of age that is designed to allow high school dropouts to complete high school graduation requirements through the use of virtual instruction.*
  - (b) *A student shall be eligible to enroll in a district's program if the student:*
    1. *Is a resident of the district;*
    2. *Is at least twenty-one (21) years of age;*
    3. *Had previously dropped out of a high school; and*
    4. *Had earned at least sixteen (16) credits at the time of dropping out.*
  - (c) *Notwithstanding paragraph (b)1. of this subsection, a program may enroll a nonresident student if the student otherwise qualifies for enrollment.*
  - (d) *To enroll in a district's program, a student shall provide a notarized transcript evidencing any credits earned previously towards graduation that are not from that district.*
  - (e) *To earn a high school diploma through the virtual program, a district shall require a student to either:*
    1. *Complete the high school graduation requirements of the district that were or would have been applicable to the student at the time the student dropped out of high school; or*
    2. *Complete the high school graduation requirements of the district in effect at the time of enrolling in the virtual program.*



(f) *A district may charge a student reasonable tuition and fees for the program.*

**Signed by Governor March 17, 2020.**

## CHAPTER 18

( SB 132 )

AN ACT relating to juries.

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

➔Section 1. KRS 29A.040 is amended to read as follows:

- (1) A list of all persons over the age of eighteen (18) and holding *personal identification cards under KRS 186.4122 or* valid driver's licenses which were issued in the county, of the names and addresses of all persons filing Kentucky resident individual income tax returns which show an address in the county, and of all persons registered to vote in the county shall constitute a master list of prospective jurors for a county.
- (2) The Administrative Office of the Courts shall at least annually acquire an electronic copy of the *list of personal identification cards issued under KRS 186.4122 and the* driver's license list from the Transportation Cabinet, an electronic copy of the tax roll described in subsection (1) of this section from the Department of Revenue, and an electronic copy of the voter registration lists from the State Board of Elections. In addition, the Administrative Office of the Courts shall at least annually acquire a listing of deceased persons from the Vital Statistics Branch in the Department of Public Health. The Transportation Cabinet, the Department of Revenue, the State Board of Elections, and the Vital Statistics Branch and those public officers or employees having custody, possession, or control of any of the lists required under this section shall annually furnish a copy of the list to the Administrative Office of the Courts without charge.
- (3) The Administrative Office of the Courts shall merge the lists required by subsections (1) and (2) of this section in a manner designed to create an accurate listing of all persons eligible for jury service. The Administrative Office of the Courts may purge names from the master list upon reasonable evidence of death, change of state residence, change of county residence, or any other reason causing a person to be ineligible for jury service as found in KRS 29A.080.
- (4) Any person who comes into possession of the Kentucky income tax names and addresses as provided in this section shall be bound by the confidentiality provisions of KRS 131.190.

**Signed by Governor March 17, 2020.**

## CHAPTER 19

( HB 242 )

AN ACT relating to the transportation of overdimensional loads.

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

➔Section 1. 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 (8)~~(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) (a) Except as provided in subsection ~~(8)~~~~(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.
- (b) The vehicle *operating under a permit issued under this subsection* 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.
- (c) Except as provided in subsections (4), ~~and~~ (7), *and* (8) of this section, an annual permit for loads less than *or equal to* 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 ~~(12)~~~~(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) (a) *Notwithstanding KRS 189.269, the department may, at the request of an applicant who is a transporter of manufactured housing, issue an annual permit that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load.*
- (b) *The vehicle operated 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, fifteen (15) feet in height, or one hundred sixty thousand (160,000) pounds.*
- (c) *The cost for an annual permit issued under this subsection shall be:*
  1. *One thousand five hundred dollars (\$1,500) for loads greater than fourteen (14) feet in width or greater than thirteen (13) feet six (6) inches in height; and*
  2. *Five hundred dollars (\$500) for loads less than or equal to fourteen (14) feet in width and less than or equal to thirteen (13) feet six (6) inches in height.*
- (d) *The holder of a permit issued under this subsection shall, when transporting a manufactured home:*
  1. *Abide by all escort requirements, safety markings, and other safety restrictions governing overweight and overdimensional vehicles; and*

2. *Equip each truck operating under a permit with global positioning system technology that keeps a record of locations traveled. The travel records of trucks operating under a permit shall be open to inspection by the Transportation Cabinet.*
- (e) *Any person with a permit under this subsection who operates a vehicle greater than thirteen (13) feet six (6) inches in height while operating in a restricted area designated by the Transportation Cabinet shall be fined one thousand dollars (\$1,000).*
- (8) 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 189.2716 or 189.2717.
- ~~(9)~~~~(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.
- ~~(10)~~~~(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.
- ~~(11)~~~~(10)~~ A person shall not operate any vehicle in violation of the terms of the permit issued under this section.
- ~~(12)~~~~(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 March 17, 2020.**

**CHAPTER 20****( HB 344 )**

AN ACT relating to Kentucky All Schedule Prescription Electronic Reporting.

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

➔Section 1. KRS 218A.240 is amended to read as follows:

- (1) All police officers and deputy sheriffs directly employed full-time by state, county, city, urban-county, or consolidated local governments, the Department of Kentucky State Police, the Cabinet for Health and Family Services, their officers and agents, and of all city, county, and Commonwealth's attorneys, and the Attorney General, within their respective jurisdictions, shall enforce all provisions of this chapter and cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to controlled substances.
- (2) For the purpose of enforcing the provisions of this chapter, the designated agents of the Cabinet for Health and Family Services 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 administer oaths; to enter upon premises at all times for the purpose of making inspections; to seize evidence; to interrogate all persons; to require the production of prescriptions, of books, papers, documents, or other evidence; to employ special investigators; and to expend funds for the purpose of obtaining evidence and to use data obtained under KRS 218A.202 in any administrative proceeding before the cabinet.
- (3) The Kentucky Board of Pharmacy, its agents and inspectors, shall have the same powers of inspection and enforcement as the Cabinet for Health and Family Services.
- (4) Designated agents of the Cabinet for Health and Family Services and the Kentucky Board of Pharmacy are empowered to remove from the files of a pharmacy or the custodian of records for that pharmacy any controlled substance prescription or other controlled substance record upon tendering a receipt. The receipt shall be sufficiently detailed to accurately identify the record. A receipt for the record shall be a defense to a charge of failure to maintain the record.
- (5) Notwithstanding the existence or pursuit of any other remedy, civil or criminal, any law enforcement authority may maintain, in its own name, an action to restrain or enjoin any violation of this chapter or to forfeit any property subject to forfeiture under KRS 218A.410, irrespective of whether the owner of the property has been charged with or convicted of any offense under this chapter.
  - (a) Any civil action against any person brought pursuant to this section may be instituted in the Circuit Court in any county in which the person resides, in which any property owned by the person and subject to forfeiture is found, or in which the person has violated any provision of this chapter.
  - (b) A final judgment rendered in favor of the Commonwealth in any criminal proceeding brought under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought pursuant to this section.
  - (c) The prevailing party in any civil proceeding brought pursuant to this section shall recover his or her costs, including a reasonable attorney's fee.
  - (d) Distribution of funds under this section shall be made in the same manner as in KRS 218A.420, except that if the Commonwealth's attorney has not initiated the forfeiture action under this section, his or her percentage of the funds shall go to the agency initiating the forfeiture action.
- (6) The Cabinet for Health and Family Services shall make or cause to be made examinations of samples secured under the provisions of this chapter to determine whether any provision has been violated.
- (7)
  - (a) The Cabinet for Health and Family Services shall proactively use the data compiled in the electronic system created in KRS 218A.202 for investigations, research, statistical analysis, and educational purposes and shall proactively identify trends in controlled substance usage and other potential problem areas. Only cabinet personnel who have undergone training for the electronic system and who have been approved to use the system shall be authorized access to the data and reports under this subsection. The cabinet shall notify a state licensing board listed in KRS 218A.205 if a report or analysis conducted under this subsection indicates that further investigation about improper, inappropriate or illegal prescribing or dispensing may be necessary by the board. The board shall consider each report and may, after giving due consideration to areas of practice, specialties, board certifications, and appropriate

standards of care, request and receive a follow-up report or analysis containing relevant information as to the prescriber or dispenser and his or her patients.

- (b) The cabinet shall develop criteria, in collaboration with the Board of Medical Licensure, the Board of Nursing, the Office of Drug Control Policy, and the Board of Pharmacy, to be used to generate public trend reports from the data obtained by the system. Meetings at which the criteria are developed shall be meetings, as defined in KRS 61.805, that comply with the open meetings laws, KRS 61.805 to 61.850. The cabinet shall, on a quarterly basis, publish trend reports from the data obtained by the system. Except as provided in subsection (8) of this section, these trend reports shall not identify an individual prescriber, dispenser, or patient. Peace officers authorized to receive data under KRS 218A.202 may request trend reports not specifically published pursuant to this paragraph except that the report shall not identify an individual prescriber, dispenser, or patient.
- (8) If the cabinet deems it to be necessary and appropriate, upon the request of a state licensing board listed in KRS 218A.205, the cabinet shall provide the requesting board with the identity of prescribers, dispensers, and patients used to compile a specific trend report.
- (9) Any hospital or other health care facility may petition the cabinet to review data from the electronic system specified in KRS 218A.202 as it relates to employees of that facility to determine if inappropriate prescribing or dispensing practices are occurring. The cabinet may initiate any investigation in such cases as he or she determines is appropriate, and may request the assistance from the hospitals or health care facilities in the investigation.
- (10) *If the office or clinic of a practitioner abruptly closes or is subject to emergency closure or other enforcement action resulting in a suspension or termination of the practitioner's controlled substance prescribing privileges, the Cabinet for Health and Family Services or applicable professional licensing board may use data from the electronic system established under KRS 218A.202 to issue notification as soon as practicable to the practitioner's patients to help prevent the disruption of medical treatment and promote continuity of care.*

➔Section 2. KRS 218A.245 is amended to read as follows:

- (1) The secretary of the Cabinet for Health and Family Services may enter into reciprocal agreements or a contract, either directly with any other state or states of the United States or any jurisdiction, county, or political subdivision thereof, or with an organization administering the exchange of interstate data on behalf of the prescription monitoring program of one (1) or more states or jurisdictions, to share prescription drug monitoring information if the other prescription drug monitoring program or data exchange program is compatible with the program in Kentucky. If the secretary elects to evaluate the prescription drug monitoring program of another state, jurisdiction, or organization as authorized by this section, priority shall be given to a state or jurisdiction that is contiguous with the borders of the Commonwealth or an organization that offers connectivity with a contiguous state or jurisdiction.
- (2) In determining compatibility, the secretary shall consider:
  - (a) The essential purposes of the program and the success of the program in fulfilling those purposes;
  - (b) The safeguards for privacy of patient records and its success in protecting patient privacy;
  - (c) The persons authorized to view the data collected by the program;
  - (d) The schedules of controlled substances monitored;
  - (e) The data required to be submitted on each prescription or dispensing;
  - (f) Any implementation criteria deemed essential for a thorough comparison; and
  - (g) The costs and benefits to the Commonwealth in mutually sharing particular information available in the Commonwealth's database with the program under consideration.
- (3) The secretary shall review any agreement on an annual basis to determine its continued compatibility with the Kentucky prescription drug monitoring program.
- (4) ~~The secretary shall prepare an annual report to the Governor and the Legislative Research Commission that summarizes any agreement under this section and that analyzes the effectiveness of that agreement in monitoring the prescribing and dispensing of controlled substances in the Commonwealth.~~

- ~~(5)~~—Any agreement between the cabinet and another state, jurisdiction, or organization shall prohibit the sharing of information about a Kentucky resident, practitioner, pharmacist, or other prescriber or dispenser for any purpose not otherwise authorized by this section or KRS 218A.202.

**Signed by Governor March 17, 2020.**

## CHAPTER 21

( HB 129 )

AN ACT relating to public health, making an appropriation therefor, 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:

*As used in Sections 1 to 3 of this Act:*

- (1) *"Agency" means a local health department established in any county in the Commonwealth pursuant to the provisions of KRS Chapter 212, including a health department in a county containing a city of the first class, a health department in a county with a consolidated local government, an urban-county health department, an independent district health department, or a district health department;*
- (2) *"Cabinet" means the Cabinet for Health and Family Services;*
- (3) *"Commissioner" means the commissioner of the Department for Public Health within the Cabinet for Health and Family Services;*
- (4) *"Core public health programs" means all foundational public health programs as defined in this section and services that may include but are not limited to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provided by the federal Food and Nutrition Service, the Health Access Nurturing Development Services (HANDS) program established in KRS 211.690, and substance use disorder harm reduction services;*
- (5) *"Department" means the Department for Public Health within the Cabinet for Health and Family Services;*
- (6) *"Foundational public health programs" means those services required by the Kentucky Revised Statutes, including but not limited to activities and service programs that prevent and mitigate disease, protect people from injury, promote healthy lifestyles across all environments, promote population health services, enforce Kentucky administrative regulations, ensure emergency preparedness and response, monitor and mitigate communicable disease, and provide the administrative and organizational infrastructure to deliver services;*
- (7) *"Foundational public health service provider" means an individual who is employed by an agency that provides a foundational public health program service;*
- (8) *"Harm reduction services" means a comprehensive set of public health strategies intended to reduce the negative impact of substance use disorders;*
- (9) *"Local public health priorities" means services not included in core public health programs as defined in this section that are identified through a needs assessment as priorities of an agency through a process established in administrative regulations; and*
- (10) *"Population health services" means the development and support of policies and practices to address, change, and improve health outcomes through community education and partnership development.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *In determining the total amount of funds to be allocated for the delivery of foundational public health programs, the statewide base funding level shall be calculated to ensure that:*
  - (a) *Each county in the Commonwealth that has fifteen thousand (15,000) or fewer residents shall have a minimum of three (3) full-time equivalent foundational public health service providers for foundational public health programs; and*

- (b) *Each agency has sufficient funds to employ one (1) additional full-time equivalent foundational public health service provider for each time that one (1) additional person, in ranges of five thousand (5,000) persons, is residing in the county beyond the first fifteen thousand (15,000) persons residing in the county that the agency serves.*
- (2) *The funding level for each full-time equivalent foundational public health service provider shall be computed by dividing the total amount appropriated for this purpose by the number of full-time equivalent foundational public health service providers mandated by this section.*
- (3) *Each agency shall be eligible to share in the distribution of funds appropriated for foundational public health programs that meet the following requirements:*
  - (a) *Employs, or pledges to employ on receipt of funds, a minimum of one (1) full-time equivalent foundational public health service provider pursuant to the requirements of subsection (1) of this section;*
  - (b) *Provides or ensures the delivery of foundational public health programs within the agency's jurisdiction; and*
  - (c) *Dedicates funding for full-time equivalent foundational public health service providers in one (1) of the following ways:*
    - 1. *By the implementation of the ad valorem public health tax authorized by Sections 10 and 11 of this Act at a rate of at least one and eight-tenths cents (\$0.018), per one hundred dollars (\$100) of full value assessed valuation; or*
    - 2. *By the receiving direct funding from the county or counties in which the agency operates in amount that equals what the agency would receive if the ad valorem public health tax had been levied in the county or counties the agency serves at a rate of at least one and eight-tenths cents (\$0.018), or any higher rate established by the commissioner, per one hundred dollars (\$100) of assessed property valuation.*
- (4) *An agency that meets the requirements established in subsection (3) of this section shall be entitled to receive an amount equal to the base funding level for each full-time equivalent foundational public health service provider, as evaluated by the Cabinet for Health and Family Services. The base funding level shall be evaluated using the following minimum factors:*
  - (a) *The amount of funds received by the agency under subsection (3)(c) of this section;*
  - (b) *The statewide average costs of salary for each full-time equivalent foundational public health service provider in the agency;*
  - (c) *The statewide average costs of benefits for each full-time equivalent foundational public health service provider in each agency;*
  - (d) *The actual costs of the retirement liability contributions for each full-time equivalent foundational public health service provider in each agency as compared to other agencies throughout the state and whether the agency's equivalents participate in the Kentucky Employees Retirement System or County Employees Retirement System; and*
  - (e) *The statewide average costs of operating expenses to the agency associated with each full-time equivalent foundational public health service provider.*
- (5) *The Cabinet for Health and Family Services shall determine, on or before May 1 of each year preceding a biennial budget session of the General Assembly, the estimated amount necessary to fund the salary, benefits, unfunded retirement liability contribution, and operating expenses to the agency associated with each full-time equivalent foundational public health service provider for all agencies as calculated from the previous nine (9) month period.*
- (6) *The department shall establish procedures to ensure that core public health programs will be provided or ensured by one (1) or more agencies. The core public health programs, excluding all foundational public health programs, may be provided by another entity; however, the agency shall agree, as funding is available, that it will remain responsible for ensuring that these programs are provided in the event the other entity no longer provides the service.*
- (7) *The department shall, within sixty (60) days of the effective date of this Act, promulgate administrative regulations to establish the process and procedures to ensure that core public health programs,*

*foundational public health programs, and local public health priorities are identified and facilitated by one (1) or more agencies in the Commonwealth.*

- (8) *The department shall not require agencies to enter additional agreements beyond the provisions of core public health programs. Agencies may enter into contractual agreements with the department outside of programs and services defined in Section 1 of this Act.*
- (9) *An agency shall maintain records and submit information as required by the department to administer this section.*
- (10) *Notwithstanding KRS 211.170 and 212.120, any moneys allocated pursuant to this section for foundational public health programs is allowable.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *As long as core public health programs are funded and implemented, local public health priorities, as defined in Section 1 of this Act, may be provided by the agency and shall meet the following criteria:*
  - (a) *Demonstrate data-driven needs;*
  - (b) *Use evidence-based or promising practices;*
  - (c) *Identify adequate funding;*
  - (d) *Demonstrate performance and quality management plans; and*
  - (e) *Define a strategy to determine when the service or program is no longer needed.*
- (2) *The department shall, within sixty (60) days of the effective date of this Act, promulgate administrative regulations establishing the process to demonstrate that the local health priorities meet the criteria established in this section.*
- (3) *An agency shall maintain records and submit information as required by the department to administer this section.*

➔Section 4. KRS 194A.050 is amended to read as follows:

- (1) The secretary shall formulate, promote, establish, and execute policies, plans, and comprehensive programs and shall adopt, administer, and enforce throughout the Commonwealth all applicable state laws and all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. The secretary shall promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.
- (2) The secretary may utilize the Public Health Services Advisory Council to review and make recommendations on contemplated administrative regulations relating to initiatives of the Department for Public Health. No administrative regulations issued under the authority of the cabinet shall be filed with the Legislative Research Commission unless they are issued under the authority of the secretary, and the secretary shall not delegate that authority.
- (3) (a) Except as otherwise provided by law, the secretary shall have authority to establish by administrative regulation a schedule of reasonable fees. ~~[- but in no event shall]~~ The total fees for permitting and inspection:
  - 1. *Shall be the total of the operational and administrative costs of the programs to the cabinet and to agencies as defined in Section 1 of this Act;*
  - 2. *Beginning on the effective date of this Act until December 31, 2020, shall not increase more than twenty-five percent (25%) of the fee amount on the effective date of this Act; and*
  - 3. *Beginning on or after January 1, 2021, shall not increase more than five percent (5%) for each year thereafter.*
- (b) *The fees shall ~~increase more than five percent (5%) per year, to~~ cover the costs of annual inspections of efforts regarding compliance with program standards administered by the cabinet.*



- (c) All fees collected for inspections shall be deposited in the State Treasury and credited to a revolving fund account to be used for administration of those programs of the cabinet. The balance of the account shall lapse to the general fund at the end of each biennium. Fees shall not be charged for investigation of complaints.

➔Section 5. KRS 211.180 is amended to read as follows:

- (1) The cabinet shall enforce the administrative regulations promulgated by the secretary of the Cabinet for Health and Family Services for the regulation and control of the matters set out below and shall formulate, promote, establish, and execute policies, plans, and comprehensive programs relating to all matters of public health, including but not limited to the following matters:
  - (a) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and other diseases and health hazards that may be controlled;
  - (b) The adoption of regulations specifying the information required in and a minimum time period for reporting a sexually transmitted disease. In adopting the regulations the cabinet shall consider the need for information, protection for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. The cabinet shall require reporting of physician-diagnosed cases of acquired immunodeficiency syndrome based upon diagnostic criteria from the Centers for Disease Control and Prevention of the United States Public Health Service. No later than October 1, 2004, the cabinet shall require reporting of cases of human immunodeficiency virus infection by reporting of the name and other relevant data as requested by the Centers for Disease Control and Prevention and as further specified in KRS 214.645. Nothing in this section shall be construed to prohibit the cabinet from identifying infected patients when and if an effective cure for human immunodeficiency virus infection or any immunosuppression caused by human immunodeficiency virus is found or a treatment which would render a person noninfectious is found, for the purposes of offering or making the cure or treatment known to the patient;
  - (c) The control of insects, rodents, and other vectors of disease; the safe handling of food and food products; the safety of cosmetics; the control of narcotics, barbiturates, and other drugs as provided by law; the sanitation of schools, industrial establishments, and other public and semipublic buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semipublic recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval, or disapproval of plans for construction, modification, or extension of equipment related to food-handling in food-handling establishments; the licensure of hospitals; and the control of ~~such~~ other factors, not assigned by law to another agency, as may be necessary to insure a safe and sanitary environment;
  - (d) The construction, installation, and alteration of any on-site sewage disposal system, except for a system with a surface discharge;
  - (e) Protection and improvement of the health of expectant mothers, infants, preschool, and school-age children; and
  - (f) Protection and improvement of the health of the people through better nutrition.
- (2) (a) The secretary shall have authority to establish by regulation a schedule of reasonable fees. ~~[-, not to exceed costs of the program to the cabinet to cover inspector hours, but in no event shall]~~ The total fees for permitting and inspection:
  1. *Shall be the total of the operational and administrative costs of the programs to the cabinet and to agencies as defined in Section 1 of this Act;*
  2. *Beginning on the effective date of this Act until December 31, 2020, shall not increase more than twenty-five percent (25%) of the fee amount on the effective date of this Act; and*
  3. *Beginning on or after January 1, 2021, shall not increase more than five percent (5%) for each year thereafter.*
- (b) ~~The fees shall include [increase more than five percent (5%) per year,]~~ travel pursuant to state regulations for travel reimbursement, to cover the costs of inspections of manufacturers, retailers, and distributors of consumer products as defined in the Federal Consumer Product Safety Act, 15 U.S.C.

secs. 2051 et seq.; 86 Stat. 1207 et seq. or amendments thereto, and of youth camps for the purpose of determining compliance with the provisions of this section and the regulations adopted by the secretary pursuant thereto.

- (c) Fees collected by the secretary shall be deposited in the State Treasury and credited to a revolving fund account for the purpose of carrying out the provisions of this section. The balance of the account shall lapse to the general fund at the end of each biennium.
- (3) Any administrative hearing conducted under authority of this section shall be conducted in accordance with KRS Chapter 13B.

➔Section 6. KRS 211.357 is amended to read as follows:

- (1) The cabinet shall establish a program to certify persons as installers of on-site sewage disposal systems. A master plumber licensed pursuant to KRS Chapter 318 or a person who provides written verification from the local health department in the county in which the work was completed that he installed five (5) lateral fields and septic tank systems prior to July 13, 1984, and that these installations had been inspected by a certified inspector and passed inspection, shall be certified automatically.
- (2) The cabinet shall establish as a part of the certification program referenced in subsection (1) of this section a means of issuing a probationary certification for installers of on-site sewage disposal systems. This probationary certification shall automatically be converted to a full certification at the time that the holder of the probationary certificate has installed five (5) lateral fields and septic tank systems and has provided written verification from the local health department in the county in which the work was completed that these installations have been inspected by a certified inspector and passed the inspection. The cabinet shall issue a full certificate to the holder of the probationary certificate no later than sixty (60) days after receipt of verification. In order to be issued a probationary certification, eligible persons shall certify in writing that they will make installations in accordance with requirements set forth by the Cabinet for Health and Family Services.
- (3) The cabinet may promulgate administrative regulations to establish a fee that:
  - (a) Shall ~~not exceed~~ **be the total of the operational and** administrative costs **of the programs** to the cabinet **and to agencies as defined in Section 1 of this Act;**
  - (b) **Beginning on the effective date of this Act until December 31, 2020, shall not increase more than twenty-five percent (25%) of the fee amount on the effective date of this Act; and**
  - (c) **Beginning on or after January 1, 2021, shall not increase more than five percent (5%) for each year thereafter; and** ~~but in no event shall the total fees for permitting and inspection increase more than five percent (5%) per year, that~~
  - (d) Shall be paid by persons certified as installers, except master plumbers licensed pursuant to KRS Chapter 318.
- (4) The cabinet may revoke or suspend any certification issued pursuant to this section upon proof that the certified person has:
  - (a) Knowingly violated the provisions of this chapter or the regulations of the cabinet;
  - (b) Practiced fraud or deception in applying for or obtaining a certificate;
  - (c) Is incompetent to install on-site sewage disposal systems;
  - (d) Permitted the certification to be used directly or indirectly by another to install on-site sewage disposal systems; or
  - (e) Is guilty of other unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.
- (5) Upon appeal of any decision to revoke or suspend a certification, an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (6) Nothing in this section shall be construed to condone the installation of on-site sewage disposal systems contrary to specifications for these systems established by the cabinet.

➔Section 7. KRS 211.976 is amended to read as follows:

- (1) (a) All persons proposing to engage in business for the purposes of this chapter shall file an application for licensing on forms provided by the cabinet with information specifying that waste hauling is restricted to household sewage or sludge only; commercial or industrial sanitary sewage or sludge only; grease trap sewage or sludge only; or combinations of the above. Other information deemed necessary, as well as the required fee, shall accompany the application.
- (b) The secretary may promulgate administrative regulations to establish a fee schedule that:
  1. Shall ~~not exceed the~~ **be the total of the operational and administrative costs of the programs to the cabinet and to agencies as defined in Section 1 of this Act;**
  2. **Beginning on the effective date of this Act until December 31, 2020, shall not increase more than twenty-five percent (25%) of the fee amount on the effective date of this Act; and**
  3. **Beginning on or after January 1, 2021, shall not increase more than five percent (5%) for each year thereafter**~~[-, but in no event shall the total fees for permitting and inspection increase more than five percent (5%) per year].~~
- (2) If the cabinet, after any investigation it deems necessary, finds that the applicant has the qualifications, experience, reputation, and approved site for disposal necessary to perform the service in an acceptable manner and not detrimental to the environment or to public health, it shall issue or cause to be issued a license for the said business. This license is not transferable. The application for license shall be made to the cabinet prior to March 1 of each year, and shall be accompanied by a surety bond tendered by a company registered in the Commonwealth of Kentucky, to indemnify persons for whom service and maintenance work is performed, if faulty, and to guarantee disposal of sewage sludge in an approved manner; or with sureties, form and sufficiency acceptable to the cabinet. The amount of the bond shall be established by administrative regulation promulgated by the cabinet. The cabinet shall be the obligee, and the bond shall be for the benefit and purpose to protect all persons and the environment damaged by faulty workmanship in the servicing or maintaining of sewage pretreatment units, grease traps, or holding tanks, or in the disposal of sewage sludge, and shall guarantee the appearance of the licensee to answer any summons within thirty (30) days of notice to the bonding company of the issuance of summons. Bonds shall be conditioned upon the performance of the services in a workmanlike manner, and in a manner which will not create a public health hazard nor damage the environment.

➔Section 8. KRS 217.125 is amended to read as follows:

- (1) The authority to promulgate regulations for the efficient administration and enforcement of KRS 217.005 to 217.215 is hereby vested in the secretary. The secretary may make the regulations promulgated under KRS 217.005 to 217.215 consistent with those promulgated under the federal act and the Fair Packaging and Labeling Act. Regulations promulgated may require permits to operate and include provisions for regulating the issuance, suspension, and reinstatement of permits. The authority to promulgate regulations pursuant to KRS 217.005 to 217.205 is restricted to the Cabinet for Health and Family Services.
- (2) No person shall operate a food processing establishment, food storage warehouse, salvage distributor, or salvage processing plant without having obtained an annual permit to operate from the cabinet. An application for the permit to operate shall be made to the cabinet upon forms provided by it and shall be accompanied by the required fee as shall be provided by regulation. The secretary shall promulgate administrative regulations to establish a fee schedule not to exceed costs of the program to the cabinet. Fees collected by the cabinet shall be deposited in the State Treasury and credited to a revolving fund account for use by the cabinet in carrying out the provisions of KRS 217.025 to 217.390 and the regulations adopted by the secretary pursuant thereto. The balance of the account shall lapse to the general fund at the end of each biennium.
- (3) No person shall operate a retail food establishment without having obtained a permit to operate from the cabinet. An application for a permit to operate any retail food establishment shall be made to the cabinet upon forms provided by it and shall contain the information the cabinet may reasonably require.
- (4) (a) Except as otherwise provided in subsection (11) of this section, each application for a temporary food service establishment or for an annual permit to operate a retail food establishment shall be accompanied by the required fee. The secretary shall promulgate administrative regulations to establish a fee schedule not to exceed costs to the cabinet.~~[-, but in no event shall]~~
- (b) The total fees for permitting and inspection:
  1. **Shall be the total of the operational and administrative costs of the programs to the cabinet and to agencies as defined in Section 1 of this Act;**

2. ***Beginning on the effective date of this Act until December 31, 2020, shall not increase more than twenty-five percent (25%) of the fee amount on the effective date of this Act; and***
  3. ***Beginning on or after January 1, 2021, shall not increase more than five percent (5%) for each year thereafter***~~[increase more than five percent (5%) per year].~~
- (5) Except as otherwise provided in subsection (11) of this section, each application for a farmers market temporary food service establishment shall be accompanied by the required fee of at least fifty dollars (\$50). The secretary shall establish a fee schedule by promulgation of administrative regulation. Fees collected by the cabinet shall be used to carry out duties related to farmers market temporary food service establishments, including but not limited to inspections and the issuance of permits.
  - (6) An applicant for a permit to operate a farmers market temporary food service establishment must provide documentation of successful completion of a food safety training program offered by either the state, a local health department, or other entity approved by the cabinet to conduct food safety training. Each certification of food safety training shall expire after a period of twenty-four (24) months from the date of issuance. Permits issued shall be posted in a conspicuous place in the establishment, and a person who has completed the food safety training for farmers market temporary food service establishments shall be present at all times during the operation of the establishment.
  - (7) Upon expiration of a temporary food service establishment permit, any subsequent permits shall not be issued to the same operator to operate at the same location until a period of thirty (30) days has elapsed.
  - (8) Upon receipt of an application for a permit to operate a food processing establishment, food storage warehouse, salvage distributor, or salvage processing plant or a retail food establishment accompanied by the required fee, the cabinet shall issue a permit if the establishment meets the requirements of KRS 217.005 to 217.215 and regulations adopted by the cabinet. Retail food establishments holding a valid and effective permit on January 1, 1973, even though not fully meeting the construction requirements of KRS 217.005 to 217.215 and the regulations adopted pursuant thereto, may continue to be eligible for permit renewal if in good repair and capable of being maintained in a safe and sanitary manner.
  - (9) Permits shall not be issued to operate a temporary food service establishment and a farmers market temporary food service establishment simultaneously at the same location and by the same operator.
  - (10) In all instances of permit issuance for either a temporary food service establishment permit or a farmers market temporary food service establishment permit, any subsequent permits shall not be issued until a period of thirty (30) days has elapsed.
  - (11) Private, parochial, and public school cafeterias or lunchroom facilities through the twelfth grade, charitable food kitchens, and all facilities operated by the Cabinet for Health and Family Services or Department of Corrections shall be exempt from the payment of fees, but shall comply with all other provisions of KRS 217.005 to 217.215 and the state retail food establishment code. For this subsection, the term "charitable food kitchens" means a not-for-profit, benevolent food service establishment where more than one-half (1/2) of the employees are volunteers.
  - (12) Each annual permit to operate a food processing establishment, food storage warehouse, salvage distributor, or salvage processing plant or a retail food establishment, unless previously suspended or revoked, shall expire on December 31 following its date of issuance, and be renewable annually upon application accompanied by the required fee, except as otherwise provided in subsection (11) of this section, and if the establishment is in compliance with KRS 217.005 to 217.215 and regulations of the cabinet.
  - (13) Each permit to operate a food processing establishment, food storage warehouse, salvage distributor, salvage processing plant, or a retail food establishment shall be issued only for the premises and person named in the application and shall not be transferable. Permits issued shall be posted in a conspicuous place in the establishment.

➔Section 9. KRS 217.811 is amended to read as follows:

- (I) The cabinet shall promulgate administrative regulations to establish a fee ~~[not to exceed the]~~***that:***
  - (a) ***Shall be the total of the operational and administrative costs of the programs to the cabinet and to agencies as defined in Section 1 of this Act;***
  - (b) ***Beginning on the effective date of this Act until December 31, 2020, shall not increase more than twenty-five percent (25%) of the fee amount on the effective date of this Act; and***

(c) ***Beginning on or after January 1, 2021, shall not increase more than five percent (5%) for each year thereafter.*** ~~[of the program, but in no event shall an increase be more than five percent (5%) per year.]~~

- (2) ~~The fee~~ shall be paid with each application for permit to operate a vending machine company for each vending machine commissary plus a fee for the total number of vending machines operated by the applicant.
- (3) Vending machines dispensing only bottled or canned soft drinks; prepackaged nonpotentially hazardous food; chewing gum, nuts, and/or candies shall be exempt from the permit and fee requirements of KRS 217.808 to 217.812.

➔Section 10. KRS 212.725 is amended to read as follows:

- (1) If, after the establishment of the public health taxing district, as provided in KRS 212.720, the tax-levying authorities of the district, in the opinion of the county or city-county board of health, do not appropriate an amount sufficient to meet the public health needs of the county or the city-county health department or do not appropriate an amount sufficient to meet the standards prescribed by the Cabinet for Health and Family Services for health departments, the county or city-county board of health, acting as the governing body of the taxing district, shall with the approval of the Cabinet for Health and Family Services, impose by resolution a special ad valorem public health tax in ~~an~~ ~~[such]~~ amount that it deems sufficient.
- (2) ***The special ad valorem public health tax shall*** ~~[, but]~~ ***not be:***
- (a) ***Subject to the provisions of KRS 132.023; or***
- (b) ***Levied in an amount that is*** in excess of:
1. The maximum amount approved by the electorate as provided for in KRS 212.720; ***or***
  2. ***Ten cents (\$0.10) per one hundred dollars (\$100) of full value assessed valuation.***
- (3) The fiscal court shall upon receipt of a duly certified copy of said resolution, include in the next county ad valorem tax levy said special public health tax imposed by the county or city-county board of health which shall be in addition to all other county ad valorem taxes.
- (4) ~~The~~ ~~[said]~~ special public health tax shall be collected in the same manner as are other county ad valorem taxes and turned over to the county or city-county board of health.
- (5) ***Moneys derived from the special ad valorem public health tax:***
- (a) ~~Shall~~ ~~[to]~~ be used ~~[solely]~~ for the maintenance and operation of the county or city-county health department;
- (b) ***May be expended for the construction, alteration, or modification of a public health center or other suitable housing facility for the county or city-county health department; and***
- (c) ***May be expended for funding for full-time equivalent foundational public health service providers as permitted by subsection (3) of Section 2 of this Act.***

➔Section 11. KRS 212.755 is amended to read as follows:

- (1) If, after the establishment of the public health taxing district as provided for in this section and KRS 212.750, the tax-levying authorities of the district, in the opinion of the county or city-county board of health or urban-county department of health, do not appropriate an amount sufficient to meet the public health needs of the county or the city-county health department or urban-county department of health or do not appropriate an amount sufficient to meet the standards prescribed by the Cabinet for Health and Family Services for local health departments, the county or city-county board of health or urban-county department of health, acting as the governing body of the taxing district shall, with the approval of the Cabinet for Health and Family Services, request the fiscal court or urban-county government to impose by resolution a special ad valorem public health tax in an amount that it deems sufficient.
- (2) ***The special ad valorem public health tax shall*** ~~[, but]~~ ***not be:***
- (a) ***Subject to the provisions of KRS 132.023; or***
- (b) ***Levied in an amount that is*** in excess of ten cents (\$0.10) per one hundred dollars (\$100) of full value assessed valuation.
- (3) The fiscal court or urban-county government may, upon receipt of a duly certified copy of the resolution, include in the next county ad valorem tax levy the special public health tax imposed by the county or city-

county board of health or urban-county department of health, which shall be in addition to all other county ad valorem taxes.

- (4) If levied by the fiscal court or urban-county government, the special public health tax shall be collected in the same manner as are other county ad valorem taxes and turned over to the county or city-county board of health or urban-county department of health.
- (5) ***Moneys derived from the special ad valorem public health tax:***
  - (a) ~~Shall to~~ be used ~~solely~~ for the maintenance and operation of the county, city-county, or district health department or urban-county department of health;
  - (b) ***May be expended for the construction, alteration, or modification of a public health center or other suitable housing facility for the county or city-county health department or urban-county department of health; and***
  - (c) ***May be expended for funding for full-time equivalent foundational public health service providers as permitted by subsection (3) of Section 2 of this Act*** ~~and as provided in KRS 212.740.~~

- ~~(2) Public health taxing districts organized pursuant to the provisions of KRS 212.720 to 212.740 or organized pursuant to this section and KRS 212.750 shall not be subject to the provisions of the compensating tax rate as defined by KRS 132.010 nor to Chapter 2, 1965 First Extraordinary Session of the General Assembly; provided, however, that no public health taxing district shall impose a rate higher than ten cents (\$0.10) per one hundred dollars (\$100) of full value assessed valuation.~~

➔Section 12. KRS 212.750 is amended to read as follows:

- (1) It is the intent of this section and KRS 212.755, inter alia, to create a public health taxing district via operation of law in every county of the Commonwealth that has not heretofore created same except in counties containing cities of the first class or a consolidated local government.
- (2) In all counties where a county or city-county health department or urban-county department of health has been established, except in counties containing a city of the first class or a consolidated local government, and a public health taxing district has not been established pursuant to the provisions of KRS 212.720, ***212.722, and Section 10 of this Act*** ~~to 212.740~~, a public health taxing district is hereby declared to be created upon June 13, 1968, or upon the creation of an urban-county department of health. The members of the county or city-county board of health or urban-county department of health shall, by virtue of their office, constitute and be the governing body of the public health taxing district and shall perform the duties attendant thereto in addition to their duties as members of the county or city-county board of health or urban-county department of health. The officers of the county or city-county board of health or urban-county department of health shall be the officers of the public health taxing district.
- (3) Nothing in this section and KRS 212.755 shall in any way abridge the rights of two (2) or more counties from establishing a district health department.

➔Section 13. KRS 65.060 is amended to read as follows:

As used in KRS 65.008, 65.009, 65.065 and 65.070, the term "district" shall mean and the provisions of KRS 65.008, 65.009, 65.065 and 65.070 shall apply to any board, commission, or special district created pursuant to the following statutes: KRS 39F.020, 39F.160; KRS 65.160, 65.162, 65.210 to 65.300, 65.510 to 65.650; KRS 74.010 to 74.415; KRS 75.010 to 75.260; KRS 76.005 to 76.210, 76.241 to 76.273, 76.274 to 76.279, 76.295 to 76.420, 76.600 to 76.640; KRS 77.005 to 77.305; KRS 80.262 to 80.610; KRS 91A.350 to 91A.390; KRS 96A.010 to 96A.230; KRS 104.450 to 104.680; KRS 107.310 to 107.500; KRS 108.010 to 108.070, 108.080 to 108.180; KRS 109.056, 109.059, 109.115 to 109.190; KRS 147.610 to 147.705; KRS 147A.050 to 147A.120; KRS 154.50-301 to 154.50-346; KRS 164.605 to 164.675; KRS 173.450 to 173.650, 173.710 to 173.800; KRS 179.700 to 179.735; KRS 183.132 to 183.160; KRS 184.010 to 184.300; KRS 210.460 to 210.480; KRS 212.720 to ***Section 11 of this Act*** ~~212.760~~; KRS 216.310 to 216.360; KRS 220.010 to 220.613; KRS 262.100 to 262.660, 262.700 to 262.990; KRS 266.010 to 266.990; KRS 267.010 to 267.990; KRS 268.010 to 268.990; or KRS 273.405 to 273.453.

➔Section 14. KRS 65.180 is amended to read as follows:

As used in KRS 65.182 to 65.190, unless the context otherwise requires, the word "taxing district" shall mean, and the provisions of KRS 65.182 to 65.190 shall apply to, any special district authorized by statute to levy ad valorem taxes within the meaning of Section 157 of the Constitution of Kentucky or to levy ad valorem taxes under the provisions of KRS 68.602 and governed by the following statutes: KRS 65.182, 75.010 to 75.260, 107.310 to

107.500, 108.080 to 108.180, 109.115 to 109.190, 173.450 to 173.650, 173.710 to 173.800, 179.700 to 179.990, 212.720 to *Section 11 of this Act* ~~[212.760]~~, 216.310 to 216.360, 266.010 to 266.990, and 268.010 to 268.990.

➔Section 15. KRS 65.900 is amended to read as follows:

As used in KRS 65.905 to 65.925, unless the context requires otherwise:

- (1) "City" means every city organized and governed under the mayor-alderman form of government pursuant to KRS Chapter 83, every city organized and governed under the mayor-council form of government pursuant to KRS Chapter 83A, every city organized and governed under the commission form of government pursuant to KRS Chapter 83A, every city organized and governed under the city manager form of government pursuant to KRS Chapter 83A, every consolidated local government organized and governed under the consolidated local government form of government pursuant to KRS Chapter 67C, and every urban-county government organized and governed under the urban-county form of government pursuant to KRS Chapter 67A.
- (2) "County" means any of Kentucky's one hundred twenty (120) counties.
- (3) "Special district" means any district with ad valorem taxing powers including, but not limited to, those specified in the following KRS statutes: KRS 75.010 to 75.260, KRS 76.274 to 76.279, KRS 104.450 to 104.680, KRS 107.310 to 107.500, KRS 108.080 to 108.180, KRS 109.115 to 109.190, KRS 147.610 to 147.710, KRS 164.605 to 164.675, KRS 173.450 to 173.650, KRS 173.710 to 173.800, KRS 179.700 to 179.990, KRS 210.370 to 210.480, KRS 212.720 to *Section 11 of this Act* ~~[212.760]~~, KRS 216.310 to 216.360, KRS 220.010 to 220.613, KRS 262.010 to 262.660, KRS 262.700 to 262.990, KRS 266.010 to 266.990, KRS 268.010 to 268.990, and KRS 269.100 to 269.270.
- (4) "Local government" includes:
  - (a) For fiscal periods ending prior to July 1, 2014, cities, counties, consolidated local governments, urban-county governments, and special districts; and
  - (b) For fiscal periods beginning on and after July 1, 2014, cities, counties, consolidated local governments, and urban-county governments.
- (5) "Lease-purchase agreement" means an agreement to lease or to lease and purchase major items of property, equipment, or services estimated to cost fifty thousand dollars (\$50,000) or more, and two hundred thousand dollars (\$200,000) or more for the construction or installation of a building or a utility.

➔Section 16. The following KRS sections are repealed:

212.740 Expenditures of special health tax moneys.

212.760 Public health taxing districts exempt from compensating tax rate.

➔Section 17. Whereas the continuing increase in health care costs is a burden on Kentucky agencies and consumers, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon otherwise becoming law.

**Signed by Governor March 17, 2020.**

## CHAPTER 22

( SB 57 )

AN ACT relating to public school building renovations and declaring an emergency.

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

➔Section 1. KRS 162.062 is amended to read as follows:

- (1) The chief state school officer shall not approve the plans and specifications for a new public school building contemplated by a board of education~~[or for any addition or alteration of old buildings]~~, as required by KRS 162.060, unless the plans and specifications provide for:
  - (a) A minimum of two (2) water bottle filling stations in each school;

- (b) A minimum of one (1) drinking fountain or water bottle filling station on each floor and wing of each school building; and
  - (c) A minimum of one (1) drinking fountain or water bottle filling station for every seventy-five (75) students projected to attend the school upon completion of the proposed construction.
- (2) Any water bottle filling station installed in a public school building shall:
- (a) Dispense filtered, clean drinking water;
  - (b) Be regularly cleaned and maintained; and
  - (c) If there is no drinking fountain on the same floor and wing as the water bottle filling station, be accompanied by a cup dispenser.
- (3) Any drinking fountain installed in a public school building shall:
- (a) Be equipped with a protective cowl;
  - (b) Be equipped with a water spout at least one (1) inch above the overflow rim of the drinking fountain;
  - (c) Dispense filtered, clean drinking water; and
  - (d) Be regularly cleaned and maintained.

➔Section 2. Whereas it is an urgent responsibility of the Commonwealth to make necessary alterations to existing school buildings to improve school security, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor March 17, 2020.**

## CHAPTER 23

### ( HB 204 )

AN ACT relating to sex offender registrants.

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

➔Section 1. KRS 17.545 is amended to read as follows:

- (1) No registrant, as defined in KRS 17.500, shall reside within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned **or leased** playground, or licensed day care facility. The measurement shall be taken in a straight line from the nearest property line ~~of the school~~ to the nearest property line of the registrant's place of residence.
- (2) No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a high school, middle school, elementary school, preschool, publicly owned **or leased** playground, or licensed day care facility, except with the advance written permission of the school principal, the school board, the local legislative body with jurisdiction over the publicly owned **or leased** playground, or the day care director that has been given after full disclosure of the person's status as a registrant or sex offender from another state and all registrant information as required in KRS 17.500. As used in this subsection, "local legislative body" means the chief governing body of a city, county, urban-county government, consolidated local government, charter county government, or unified local government that has legislative powers.
- (3) For purposes of this section:
  - (a) The registrant shall have the duty to ascertain whether any property listed in subsection (1) of this section is within one thousand (1,000) feet of the registrant's residence; and
  - (b) If a new facility opens, the registrant shall be presumed to know and, within ninety (90) days, shall comply with this section.



- (4) (a) Except as provided in paragraph (b) of this subsection, no registrant who is eighteen (18) years of age or older and has committed a criminal offense against a victim who is a minor shall have the same residence as a minor.
- (b) A registrant who is eighteen (18) years of age or older and has committed a criminal offense against a victim who is a minor may have the same residence as a minor if the registrant is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or court-appointed guardian of the minor, unless the spouse, child, grandchild, stepchild, sibling, stepsibling, or ward was a victim of the registrant.
- (c) This subsection shall not operate retroactively and shall apply only to a registrant that committed a criminal offense against a victim who is a minor after July 14, 2018.
- (5) Any person who violates subsection (1) or (4) of this section shall be guilty of:
  - (a) A Class A misdemeanor for a first offense; and
  - (b) A Class D felony for the second and each subsequent offense.
- (6) Any registrant residing within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility on July 12, 2006, shall move and comply with this section within ninety (90) days of July 12, 2006, and thereafter, shall be subject to the penalties set forth under subsection (5) of this section.
- (7) ***The prohibition against a registrant:***
  - (a) ***Residing within one thousand (1,000) feet of a publicly leased playground as outlined in subsection (1) of this section; or***
  - (b) ***Being on the grounds of a publicly leased playground as outlined in subsection (2) of this section; shall not operate retroactively.***
- ~~(8)(7)~~ This section shall not apply to a youthful offender probated or paroled during his or her minority or while enrolled in an elementary or secondary education program.

**Signed by Governor March 17, 2020.**

## CHAPTER 24

### ( HB 307 )

AN ACT relating to a statutory exemption for surviving spouses.

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

➔Section 1. KRS 391.030 is amended to read as follows:

- (1) Except as otherwise provided in this chapter, where any person dies intestate as to his or her personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration, and debts, shall pass and be distributed among the same persons, and in the proportions, to whom and in which real estate is directed to descend, except as follows:
  - (a) The personal estate of an infant shall be distributed as if he or she had died after full age;
  - (b) An alien may be distributee as though he or she were a citizen; and
  - (c) Personal property or money on hand or in a bank or other depository to the amount of ***thirty thousand dollars (\$30,000)***~~fifteen thousand dollars (\$15,000)~~ shall be exempt from distribution and sale and shall be set apart by the District Court having jurisdiction over the estate on application to the surviving spouse, or, if there is no surviving spouse, to the surviving children.
- (2) The surviving spouse may, at any time before the property or money is set apart by the court, procure on petition from the Judge of the District Court having jurisdiction over the estate, an order authorizing the surviving spouse to withdraw from any bank or other depository not exceeding two thousand five hundred dollars (\$2,500) belonging to the estate. Upon presentation of the order, the bank or depository shall permit the

surviving spouse to withdraw the sum and shall lodge the order, endorsing thereon the amount withdrawn, with the circuit clerk who shall retain it in the clerk's files to be considered in connection with further proceedings in the estate and the withdrawal shall be treated as a charge against the property of the estate exempt from distribution.

- (3) In the application for the setting apart of property or money under subsection (1) of this section, the surviving spouse or, if there is no surviving spouse, the surviving children may make their selection out of the personal property of the estate to the extent that the value of the property selected does not exceed the amount of ***thirty thousand dollars (\$30,000)***~~*fifteen thousand dollars (\$15,000)*~~.
- (4) Where any person dies testate:
  - (a) Personal property or money on hand or in a bank or other depository to the amount of ***thirty thousand dollars (\$30,000)***~~*fifteen thousand dollars (\$15,000)*~~ shall be exempt from distribution and sale and shall be set apart by the District Court having jurisdiction over the estate on application of the surviving spouse;
  - (b) If there is no surviving spouse, personal property or money on hand or in a bank or other depository bequeathed to surviving children to the amount of ***thirty thousand dollars (\$30,000)***~~*fifteen thousand dollars (\$15,000)*~~ shall be exempt from distribution and sale and shall be set apart by the District Court having jurisdiction over the estate on application by the surviving children;
  - (c) The exemption of the surviving spouse under paragraph (a) of this subsection is not conditioned upon the surviving spouse renouncing the will, and, in the event of renunciation, the surviving spouse shall be entitled to the exemption in addition and prior to determining the statutory share of the surviving spouse under KRS 392.080; and
  - (d) Subsection (3) of this section shall apply with respect to the surviving spouse provided that the surviving spouse shall first select from among the personal property of the residuary estate, then to the extent necessary from among the money on hand or on deposit specifically bequeathed under the will, and then to the extent necessary from among any other personal property specifically bequeathed under the will. Where the selection of the surviving spouse is made up, in whole or in part, from personal property or money on hand or on deposit specifically bequeathed to a beneficiary, such beneficiary shall have a right of contribution on the principles of KRS 394.420 to 394.490 unless the will otherwise directs, or it is necessarily to be inferred therefrom that the testator intended the same to fall on such beneficiary except that there shall be no right of contribution from the surviving spouse.

**Signed by Governor March 17, 2020.**

## CHAPTER 25

### ( HB 155 )

AN ACT relating to property and trusts.

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

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

*As used in Sections 1 to 3 of this Act:*

- (1) ***"Community property" means property owned by a community property trust during the marriage of the settlor spouses;***
- (2) ***"Community property trust" means an express trust that complies with the requirements of Section 2 of this Act;***
- (3) ***"Decree" means a judgment or other order of a court;***
- (4) ***"Dissolution" means either:***
  - (a) ***Termination of a marriage by a decree of dissolution, divorce, annulment, or declaration of invalidity; or***

- (b) *Entry of a decree of legal separation;*
- (5) *"During marriage" means a period that begins at marriage and ends at dissolution or the death of a spouse;*
- (6) *"Qualified trustee" means either:*
  - (a) *A natural person who is a resident of this state; or*
  - (b) *A bank or trust company authorized to act as a trustee within the state; and*
- (7) *"Settlor spouses" means a married couple that establishes a community property trust.*

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

- (1) *Any arrangement between spouses involving community property shall be considered a community property trust if one (1) or both spouses transfer property to a trust that:*
  - (a) *Expressly declares that the trust is a Kentucky community property trust that meets the requirements of Sections 1 to 3 of this Act;*
  - (b) *Has at least one (1) trustee who is a qualified trustee whose powers include or are limited to maintaining records for the trust, on an exclusive or a nonexclusive basis, and preparing or arranging for the preparation of, on an exclusive or a nonexclusive basis, any income tax returns that must be filed by the trust. Both spouses or either spouse may be a trustee;*
  - (c) *Is signed by both spouses; and*
  - (d) *Contains the following language in capital letters at the beginning of the trust:*  

**THE CONSEQUENCES OF THIS TRUST MAY BE VERY EXTENSIVE, INCLUDING BUT NOT LIMITED TO YOUR RIGHTS WITH YOUR SPOUSE BOTH DURING THE COURSE OF YOUR MARRIAGE AND AT THE TIME OF A DIVORCE. ACCORDINGLY, THIS AGREEMENT SHOULD ONLY BE SIGNED AFTER CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THIS AGREEMENT, YOU SHOULD SEEK COMPETENT ADVICE.**
- (2) *In the agreement establishing a community property trust, spouses may agree on and provide in writing:*
  - (a) *The rights and obligations in the property transferred to the trust, notwithstanding when and where the property is acquired or located;*
  - (b) *The management and control of the property transferred to the trust;*
  - (c) *The disposition of the property transferred to the trust on dissolution, death, or the occurrence or nonoccurrence of another event;*
  - (d) *The choice of law governing the interpretation of the trust; and*
  - (e) *Any other matter that affects the property transferred to the trust and does not violate public policy or any statute imposing a criminal penalty.*
- (3) *Either spouse may amend a community property trust regarding the disposition of that spouse's one-half (1/2) share of the community property in the event of a spouse's death.*
- (4) *Except as provided in subsection (2)(a) of this section, a community property trust may not be amended or revoked unless the agreement itself provides for amendment or revocation.*
- (5) *Whether or not both, one (1), or neither spouse is domiciled in this state, spouses may classify any or all of their property as community property by transferring property to a community property trust and providing in the trust that the property is community property.*
- (6) *A community property trust shall be enforceable without consideration.*
- (7) *All property owned by a community property trust shall be considered community property during marriage and the right to manage and control property that is transferred to a community property trust shall be determined by the terms of the trust.*
- (8) *When property is distributed from a community property trust, it shall no longer constitute community property.*

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

- (1) *An obligation incurred by only one (1) spouse before or during marriage may be satisfied from that spouse's one-half (1/2) share of a community property trust.*
- (2) *An obligation incurred by both spouses during marriage may be satisfied from a community property trust of the spouses.*
- (3) *Upon the death of a spouse, one-half (1/2) of the aggregate value of the property owned by a community property trust established by the spouses shall reflect the share of the surviving spouse and the other one-half (1/2) shall reflect the share of the decedent. Unless provided otherwise in the trust agreement, the trustee shall have the power to distribute assets of the trust in divided or undivided interests and to adjust resulting differences in valuation. A distribution in kind may be made on the basis of a non pro rata division of the aggregate value of the trust assets, on the basis of a pro rata division of each individual asset, or by using both methods.*
- (4) *Upon the dissolution of the marriage of the settlor spouses, the community property trust shall terminate and the trustee shall distribute one-half (1/2) of the trust assets to each spouse, with each spouse receiving one-half (1/2) of each asset, unless otherwise agreed to in writing by both spouses.*

➔Section 4. Sections 1 to 3 of this Act shall be known as the Kentucky Community Property Trust Act.

➔Section 5. KRS 141.019 is amended to read as follows:

For taxable years beginning on or after January 1, 2018, in the case of taxpayers other than corporations:

- (1) Adjusted gross income shall be calculated by subtracting from the gross income of those taxpayers the deductions allowed individuals by Section 62 of the Internal Revenue Code and adjusting 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 income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Pub. L. No. 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, 61.523, 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) 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;
  - (g)
    1.
      - a. For taxable years beginning after December 31, 2005, but before January 1, 2018, 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; and
      - b. For taxable years beginning on or after January 1, 2018, exclude up to thirty-one thousand one hundred ten dollars (\$31,110) of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans.
    2. As used in this paragraph:
      - a. "Annuity contract" has the same meaning as set forth in Section 1035 of the Internal Revenue Code;
      - b. "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; 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;
  - (h)
    - 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 an 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;
  - (i) Exclude income received for services performed as a precinct worker for election training or for working at election booths in state, county, and local primaries or regular or special elections;
  - (j) Exclude any capital gains income attributable to property taken by eminent domain;
  - (k)
    - 1. Exclude all income from all sources for members of the Armed Forces who are on active duty and 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.
    - 2. 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;
  - (l) Exclude all military pay received by members of the Armed Forces while on active duty;
  - (m)
    - 1. Include the amount deducted for depreciation under 26 U.S.C. sec. 167 or 168; and
    - 2. Exclude the amounts allowed by KRS 141.0101 for depreciation;~~and~~
  - (n) Include the amount deducted under 26 U.S.C. sec. 199A; and
  - (o) ***Ignore any change in the cost basis of the surviving spouse's share of property owned by a Kentucky community property trust occurring for federal income tax purposes as a result of the death of the predeceasing spouse; and***
- (2) Net income shall be calculated by subtracting from adjusted gross income 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 26 U.S.C. sec. 164 for taxes;
  - (b) Any deduction allowed by 26 U.S.C. sec. 165 for losses, except wagering losses allowed under Section 165(d) of the Internal Revenue Code;
  - (c) Any deduction allowed by 26 U.S.C. sec. 213 for medical care expenses;
  - (d) Any deduction allowed by 26 U.S.C. sec. 217 for moving expenses;
  - (e) Any deduction allowed by 26 U.S.C. sec. 67 for any other miscellaneous deduction;
  - (f) 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 the deduction has not been claimed under KRS 140.090(1)(h);
  - (g) Any deduction allowed by 26 U.S.C. sec. 151 for personal exemptions and any other deductions in lieu thereof;
  - (h) Any deduction allowed for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person

because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained; and

- (i) 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.

➔Section 6. KRS 386.175 is amended to read as follows:

- (1) For the purposes of this section, the following definitions apply:
  - (a) "Current beneficiary" means a person who is a permissible distributee of trust income or principal;
  - (b) "Original trust" means a trust established under an irrevocable trust instrument pursuant to the terms of which a trustee has discretionary power to distribute principal or income of the trust to or for the benefit of one (1) or more current beneficiaries of the trust; and
  - (c) "Second trust" means a trust established under an irrevocable trust instrument, the current beneficiaries of which are one (1) or more of the current beneficiaries of the original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument ***or the original trust whose terms have been modified under this section.***
- (2) A trustee of an original trust may, without authorization by the court, exercise the discretionary power to distribute principal or income to or for the benefit of one (1) or more current beneficiaries of the original trust by appointing all or part of the principal or income of the original trust subject to the power in favor of the trustee of a second trust ***or by modifying the terms of the original trust.*** The trustee of the original trust may exercise this power whether or not there is a current need to distribute principal or income under any standard provided in the terms of the original trust. The trustee's special power to appoint trust principal or income in further trust under this section includes the power to create the second trust.
- (3) The second trust may be a trust created or administered under the laws of any jurisdiction, within or without the United States.
- (4) The terms of the second trust shall be subject to all of the following:
  - (a) The beneficiaries of the second trust may include only beneficiaries of the original trust;
  - (b) A beneficiary who has only a future beneficial interest, vested or contingent, in the original trust cannot have the future beneficial interest accelerated to a present interest in the second trust;
  - (c) The terms of the second trust may not reduce any fixed income, annuity, or unitrust interest of a beneficiary in the assets of the original trust, including an interest which is to take effect in the future;
  - (d) If any contribution to the original trust qualified for a marital or charitable deduction for federal income, gift, or estate tax purposes under the Internal Revenue Code, then the second trust shall not contain any provision that, if included in the original trust, would have prevented the original trust from qualifying for the deduction or that would have reduced the amount of the deduction;
  - (e) If contributions to the original trust have been excluded from the gift tax by the application of Sections 2503(b) and 2503(c) of the Internal Revenue Code, then the second trust shall provide that the beneficiary's remainder interest in the contributions shall vest and become distributable no later than the date upon which the interest would have vested and become distributable under the terms of the original trust;
  - (f) If any beneficiary of the original trust has a currently exercisable power of withdrawal over trust property, then either:
    - a. The terms of the second trust shall provide a power of withdrawal in the second trust identical to the power of withdrawal in the original trust; or
    - b. Sufficient trust property shall remain in the original trust to satisfy the currently exercisable power of withdrawal;
  - (g) If the original trust holds stock of an S corporation, the terms of the second trust shall not prevent or eliminate an election to be a qualified subchapter S trust or an electing small business trust or result in the termination of the S election of such corporation;

- (h) If the power to distribute principal or income in the original trust is subject to an ascertainable standard, then the power to distribute income or principal in the second trust shall be subject to the same or a more restrictive ascertainable standard as in the original trust when the trustee exercising the power described in subsection (2) of this section is a possible beneficiary under the standard; and
  - (i) The second trust may confer a power of appointment upon a beneficiary of the original trust to whom or for the benefit of whom the trustee has the power to distribute principal or income of the original trust. The permissible appointees of the power of appointment conferred upon a beneficiary may include persons who are not beneficiaries of the original or second trust. The power of appointment conferred upon a beneficiary shall be subject to KRS 381.224, 381.225, and 381.226 covering the time at which the permissible period of the rule against perpetuities and suspension of power of alienation begins and the law that determines the permissible period of the rule against perpetuities and suspension of power of alienation of the original trust.
- (5) The court may appoint a special fiduciary with the authority to exercise the power to appoint principal or income under subsection (2) of this section.
- (6) The exercise of the power to appoint principal or income under subsection (2) of this section:
- (a) Shall be considered an exercise of a power of appointment, other than a power to appoint to the trustee, the trustee's creditors, the trustee's estate, or the creditors of the trustee's estate;
  - (b) Shall be subject to KRS 381.224, 381.225, and 381.226 covering the time at which the permissible period of the rule against perpetuities and suspension of power of alienation begins and the law that determines the permissible period of the rule against perpetuities and suspension of power of alienation of the original trust; and
  - (c) Is not prohibited by a spendthrift provision or by a provision in the original trust instrument that prohibits amendment or revocation of the trust.
- (7) To effect the exercise of the power to appoint principal or income under subsection (2) of this section, all of the following shall apply:
- (a) The exercise of the power to appoint shall be made by an instrument in writing, signed and acknowledged by the trustee, setting forth the manner of the exercise of the power, including the terms of the second trust and the effective date of the exercise of the power. The instrument shall be filed with the records of the original trust;
  - (b) The trustee shall give written notice of the trustee's intention to exercise the power to all current beneficiaries of the original trust and all beneficiaries of the oldest generation of remainder beneficiaries of the ~~original~~~~first~~ trust, by certified mail with restricted delivery and return receipt, at least sixty (60) days prior to the effective date of the exercise of the power to appoint. The notice shall include a copy of the instrument described in paragraph (a) of this subsection;
  - (c) If all beneficiaries entitled to notice have received the notice as evidenced by the certified mail return receipt and waive the notice period by a signed written instrument delivered to the trustee, the trustee's power to appoint principal or income shall be exercisable after notice is waived by all such beneficiaries, notwithstanding the effective date of the exercise of the power;
  - (d) A current beneficiary or a beneficiary who is not a current beneficiary but is a member of the oldest generation of the remainder beneficiaries of the original trust may, no later than thirty (30) days from the date of receiving notice under paragraph (b) of this subsection, commence a judicial proceeding pursuant to KRS 386B.2-010 to object to the proposed exercise of the power under subsection (2) of this section. In such case the proposed exercise of the power shall require consent of the court; and
  - (e) In the event that a beneficiary did not receive the notice as evidenced by the certified mail return receipt, and no other beneficiary has commenced a proceeding under paragraph (d) of this subsection, the trustee may seek the approval of the District Court to exercise the power.
- (8) Nothing in this section shall be construed to create or imply a duty of the trustee to exercise the power to distribute principal or income, and no inference of impropriety shall be made as a result of a trustee not exercising the power to appoint principal or income conferred under subsection (2) of this section. Nothing in this section shall be construed to abridge the right of any trustee who has the power to appoint property in further trust that arises under the terms of the original trust or under any provision of law or under common law.

- (9) This section shall not apply to any charitable remainder trust as defined in 26 U.S.C. sec. 664(d).
- (10) A trustee or beneficiary may commence a judicial proceeding pursuant to KRS 386B.2-010 to approve or disapprove of a proposed exercise of the trustee's special power to appoint to a second trust pursuant to subsection (2) of this section.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO READ AS FOLLOWS:

- (1) *Upon the appointment of a personal representative, the clerk of the probate court shall publish notice to creditors as provided in KRS 424.340. The notice shall state that creditors must present their claims within six (6) months after the appointment of the personal representative or be forever barred.*
- (2) *A personal representative may give actual notice in writing by mail or other delivery to a creditor, notifying the creditor to present his or her claim within sixty (60) days after the mailing or other delivery of the notice or be forever barred.*
- (3) *The personal representative is not liable to a creditor or to a successor of the decedent for giving or failing to give notice pursuant to subsection (2) of this section.*

➔Section 8. KRS 396.011 is amended to read as follows:

- (1) All claims against a decedent's estate which arose before the death of the decedent, excluding claims of the United States, the State of Kentucky and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by other statute of limitations *or non-claim statutes*, are barred against the estate, the personal representative, and the heirs and devisees *and non-probate transferees* of the decedent, unless presented *within the earlier of the following*:
  - (a) *Eight (8) months after the decedent's death;*
  - (b) *The time period provided in subsection (2) of Section 7 of this Act for creditors who are given actual notice; or*
  - (c) *The time period provided in subsection (1) of Section 7 of this Act for creditors who are barred by publication.* ~~[within six (6) months after the appointment of the personal representative, or where no personal representative has been appointed, within two (2) years after the decedent's death.]~~
- (2) Nothing in this section shall affect or prevent:
  - (a) To the extent of the security only, any proceeding to enforce any mortgage, pledge, lien or other security interest securing an obligation of the decedent or upon property of the estate; or
  - (b) To the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he is protected by liability insurance.

**Signed by Governor March 17, 2020.**

## CHAPTER 26

( SB 177 )

AN ACT relating to education and declaring an emergency.

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

➔Section 1. (1) Notwithstanding KRS 158.070(9), for the 2019-2020 school year, a school district that has a nontraditional instruction plan approved by the commissioner of education may request approval for additional student attendance days under an emergency nontraditional instruction plan for when the district is closed due to the state of emergency declared by the Governor related to the novel coronavirus (COVID-19).

(2) Notwithstanding any other statute or administrative regulation to the contrary, a school district that does not have a nontraditional instruction plan approved by the commissioner of education for the 2019-2020 school year may submit a plan for the 2019-2020 school year for the use of nontraditional instructional days due to the state of emergency declared by the Governor related to COVID-19 in accordance with requirements established by the



Kentucky Department of Education. The plan and number of days shall be subject to approval of the commissioner of education.

(3) The nontraditional instruction plan may include distance or virtual learning.

➔Section 2. (1) Notwithstanding any other statute or administrative regulation to the contrary, for the 2019-2020 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), in effect on the effective date of this Act, 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 may schedule instructional days on Saturdays. A local board of education may submit a plan to the Department of Education demonstrating how 1,062 instructional hours will be completed, and the plan shall be approved.

(3) If a school district desires to complete 1,062 instructional hours by June 12, 2020, but is unable to under its current school calendar, the district shall request assistance from the commissioner of education by May 1, 2020, to determine a plan for maximizing instructional time to complete 1,062 instructional hours by June 12, 2020. If the district presents compelling rationale that adding instructional time to the day would create logistical hardships, the commissioner shall not require adding time to the day as part of the district's plan. If, after providing planning assistance to the school district, the commissioner of education determines the school district has maximized instructional time but cannot complete 1,062 hours by June 12, 2020, the commissioner shall waive the remaining instructional hours required.

(4) The Kentucky Department of Education shall make a report to the Interim Joint Committee on Education by October 30, 2020, on how school districts completed the 1,062 instructional hours.

➔Section 3. Notwithstanding KRS 158.135 and 505 KAR 1:080, for the 2019-2020 school year, an extended school calendar shall not be required for any program serving the educational needs of state agency children. State agency children in a particular program shall receive the same minimum number of instructional hours provided to students generally by the applicable school district operating a particular state agency children program, less the amount of instructional time waived as provided in this section and any waiver provided in accordance with KRS 158.070(3)(f), in effect on the effective date of this Act, and 702 KAR 7:140.

➔Section 4. Notwithstanding KRS 161.152 and any other statute or administrative regulation to the contrary, during the 2019-2020 school year, a local board of education shall allow emergency leave to any full-time or part-time classified or certified employee if the local board determines it is necessary in relation to the COVID-19 public health emergency. A local board shall waive any requirement under local policy for an employee to file a personal affidavit in order to take emergency leave allowed pursuant to this section.

➔Section 5. For the 2019-2020 school year, the Kentucky Department of Education is hereby directed to seek any waivers from any federal government agency that may be necessary to allow for school districts to be reimbursed under the federal Richard B. Russell National School Lunch Act for any meals and meal supplements that may be prepared and served by the district, including but not limited to waivers allowing service in non-congregate settings and reducing the mandatory wait times between serving meals, during any time that a district is closed to students in relation to the COVID-19 public health emergency. All school districts are encouraged to maximize opportunities that may be granted through any waivers regarding food service and the COVID-19 public health emergency to address food insecurity issues of students in the districts.

➔Section 6. Notwithstanding any other statute or regulation to the contrary, for the 2019-2020 school year, the Kentucky Board of Education may waive requirements of the statewide assessment and accountability system in accordance with any federal waiver regarding those requirements that the Kentucky Department of Education receives due to the COVID-19 public health emergency.

➔Section 7. For the 2019-2020 school year, the Kentucky Department of Education is hereby directed to seek and utilize any waivers from any federal government agency involving requirements of the Individuals with Disabilities Education Act, 20 U.S.C. secs. 21 1400 et. seq. that may be necessary to allow flexibility needed for school districts due to the COVID-19 public health emergency.

➔Section 8. Notwithstanding KRS 156.557 and 704 KAR 3:370, for the 2019-2020 school year, a local board of education may revise the district's certified evaluation plan due to the COVID-19 public health emergency.

➔Section 9. Notwithstanding KRS 159.035, for the 2019-2020 school year, a principal may award the number of educational enhancement opportunity days needed by a graduating student to meet military service or

postsecondary education enrollment obligations that occur prior to the last day of school due to the COVID-19 public health emergency.

➔Section 10. Notwithstanding KRS 161.011, KRS 161.750, and KRS 161.760, or any other statute or administrative regulation to the contrary, written notices required to be provided to classified and certified school district employees regarding salary or nonrenewal of contracts may be delivered via regular mail or via email to the email address on record in the school district.

➔Section 11. Notwithstanding any other statute or regulation to the contrary, for school year 2019-2020, school districts may, when submitting the Superintendent's Annual Attendance Report, substitute attendance data for school year 2018-2019 for attendance data for school year 2019-2020. If a school district submits data for school year 2018-2019, this data shall be utilized to calculate the average daily attendance that will be used in calculating Support Education Excellence in Kentucky funds and any other state funding based in whole or in part on average daily attendance for the district.

➔Section 12. Whereas the Commonwealth of Kentucky is in a state of emergency due to the COVID-19 public health crisis, which is having immediate and significant impacts on public schools, 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, and the provisions of this Act shall be retroactive to March 6, 2020.

**Signed by Governor March 24, 2020.**

## **CHAPTER 27**

### **( HB 377 )**

AN ACT relating to special purpose governmental entities.

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

➔Section 1. KRS 65A.020 is amended to read as follows:

(1) The DLG shall:

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

(2) (a) For each fiscal period beginning on or after July 1, 2014, all special purpose governmental entities shall annually submit to the DLG the information required by this section. The information shall be submitted in accordance with this section, at the time, and in the form and format required by the DLG. The information submitted shall include at a minimum the following:

1. Administrative information:

- a. The name, address, and, if applicable, the term and appointing authority for each board member of the governing body of the entity;
- b. The fiscal year of the entity;
- c. The Kentucky Revised Statute and, if applicable, the local government ordinance and interlocal agreement under which the entity was established; the date of establishment; the establishing entity; and the statute or statutes, local government ordinance, or interlocal agreement under which the entity operates, if different from the statute or statutes, ordinance, or agreement under which it was established;
- d. The mailing address and telephone number and, if applicable, the Web site uniform resource locator (URL) of the entity;

- e. The operational boundaries and service area of the entity and the services provided by the entity;
  - f.
    - i. A listing of all the most significant taxes or fees imposed and collected by the entity, including the rates or amounts charged for the reporting period and the statutory or other source of authority for the levy of the tax or fee.
    - ii. As used in this subdivision, "most significant taxes or fees" means the five (5) taxes or fees levied by the entity that produce the most tax and fee revenue for the entity, provided that if the top five (5) revenue-producing taxes and fees do not produce at least eighty-five percent (85%) of all tax and fee revenues received by the entity, additional taxes and fees shall be listed until the taxes and fees listed produce at least eighty-five percent (85%) of all tax and fee revenues of the entity. If an entity levies fewer than five (5) taxes and fees, the entity shall list all taxes and fees levied;
  - g. The primary contact for the entity for purposes of communication from the DLG;
  - h. The code of ethics that applies to the entity, and whether the entity has adopted additional ethics provisions;
  - i. A listing of all federal, state, and local governmental entities that have oversight authority over the special purpose governmental entity or to which the special purpose governmental entity submits reports, data, or information; and
  - j. Any other related administrative information required by the DLG; and
2. Financial information:
- a.
    - i. The most recent adopted budget of the entity for the upcoming fiscal year;
    - ii. After the close of each fiscal year, a comparison of the budget to actual revenues and expenditures for each fiscal year, including any amendments made throughout the fiscal year to the budget originally submitted;
    - iii. Completed audits or attestation engagements as provided in KRS 65A.030; and
    - iv. Other financial oversight reports or information required by the DLG.
  - b. In lieu of the submissions required by subdivision a.i., ii., and iv. of this subparagraph:
    - i. A federally regulated municipal utility shall submit, after the close of each fiscal year, the monthly balance, revenue, and expense report required by the federal regulator, which constitutes year-end data; and
    - ii. A public utility established pursuant to KRS 96.740 that is not a federally regulated municipal utility shall submit after the close of each fiscal year a report that includes the same information, in the same format as is required for federally regulated municipal utilities under subpart i. of this subdivision.
- (b) The provisions of KRS 65A.040 shall apply when a special purpose governmental entity fails to submit the information required by this section in a timely manner, or submits information that does not comply with the requirements and standards established by this section and the DLG. To facilitate the enforcement of these provisions, the DLG shall establish and maintain an online list of due dates for the filing of reports, audit certifications, and information for each special purpose governmental entity.
- (c) The provisions of this subsection shall be in addition to, and shall not supplant or replace any reporting or filing requirements established by other provisions of the Kentucky Revised Statutes.
- (3) (a) The DLG shall, by administrative regulation adopted pursuant to KRS Chapter 13A, develop standard forms, protocols, timeframes, and due dates for the submission of information by special purpose governmental entities. All information shall be submitted electronically; however, the DLG may allow submission by alternative means, with the understanding that the DLG shall be responsible for converting the information to a format that will make it accessible through the registry.
- (b) In an effort to reduce duplicative submissions to different governmental entities and agencies, during the development of the forms, protocols, timeframes, and due dates, the DLG shall consult with other governmental entities and agencies that may use the information submitted by special purpose

governmental entities, and may include the information those agencies and entities need to the extent possible.

- (c) As an alternative to completing and submitting any standard form developed by the DLG for the reporting of financial information, federally regulated municipal utilities and public utilities established pursuant to KRS 96.740 that are not federally regulated municipal utilities may elect to satisfy the reporting requirements established by subsection (2)(a)2. of this section for the public power components of their operations by reporting the financial information related to their electric system accounts in accordance with the Federal Energy Regulatory Commission's Uniform System of Accounts.
- (4) (a) Beginning October 1, 2014, all information submitted by special purpose governmental entities under this section shall be publicly available through the registry. The registry shall be updated at least monthly, but may be updated more frequently at the discretion of the DLG. The registry shall include a notation indicating the date of the most recent update.
- (b) The registry shall be in a searchable format and shall, at a minimum, allow a search by county, by special purpose governmental entity name, and by type of entity.
- (c) To the extent possible, the registry shall be linked to or accessed through the Web site established pursuant to KRS 42.032 to provide public access to expenditure records of the executive branch of state government.
- (5) (a) To offset the costs incurred by the DLG in maintaining and administering the registry, the costs incurred in providing education for the governing bodies and employees of special purpose governmental entities as required by KRS 65A.060, and the costs incurred by the DLG and the Auditor of Public Accounts in responding to and acting upon noncompliant special purpose governmental entities under KRS 65A.040, excluding costs associated with conducting audits or special examinations, each special purpose governmental entity shall pay a registration fee to the DLG on an annual basis at the time of registration under this section.
- (b) The initial annual fee shall be as follows:
  - 1. For special purpose governmental entities with annual revenue from all sources of less than one hundred thousand dollars (\$100,000), twenty-five dollars (\$25);
  - 2. For special purpose governmental entities with annual revenues from all sources of at least one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000), two hundred fifty dollars (\$250); and
  - 3. For special purpose governmental entities with annual revenues of five hundred thousand dollars (\$500,000) or greater, five hundred dollars (\$500).
- (c) If the costs of administering and maintaining the registry, providing education, and enforcing compliance change over time, the fee and tiered structure established by paragraph (b) of this subsection may be adjusted one (1) time by the DLG through the promulgation of an administrative regulation under KRS Chapter 13A. The rate, if adjusted, shall be set at a level no greater than a level that is expected to generate sufficient revenue to offset the actual cost of maintaining and administering the registry, providing education for the governing bodies and employees of special purpose governmental entities, and enforcing compliance.
- (d) The portion of the registration fee attributable to expenses incurred by the Auditor of Public Accounts for duties and services other than conducting audits or special examinations shall be collected by the DLG and transferred to the Auditor of Public Accounts on a quarterly basis. Prior to the transfer of funds, the Auditor of Public Accounts shall submit an invoice detailing the actual costs incurred, which shall be the amount transferred; however, the amount transferred to the Auditor of Public Accounts under the initial fee established by paragraph (b) of this section shall not exceed the annual amount agreed to between the DLG and the Auditor of Public Accounts.
- (e) 1. In determining the annual fee due from a special purpose governmental entity, the DLG may exclude revenues received by the special purpose governmental entity if:
  - a. The revenues constitute nonrecurring, nonoperating grants for the purpose of capital asset acquisition, capital construction, disaster recovery efforts, or other one (1) time purposes as determined by the DLG; and

- b. The special purpose governmental entity requests, in writing to the DLG and for each fiscal year it receives the revenue in question, that the revenues in question not be included in determining its annual revenues.
  - 2. ***In determining the annual fee due from a special purpose governmental entity that is a public use airport operating under KRS 183.132 to 183.160, the DLG may exclude revenues received by that public use airport if the revenues constitute nonoperating or recurring grants for the purpose of capital asset acquisition, capital construction, disaster recovery efforts, or other one (1) time purposes as determined by the DLG.***
  - 3. Any receipts excluded under this paragraph shall still be reported as required under subsection (2)(a)2. of this section.
- (6) By October 1, 2014, and on or before each October 1 thereafter, the DLG shall file an annual report with the Legislative Research Commission detailing the compliance of special purpose governmental entities with the provisions of KRS 65A.010 to 65A.090. The Legislative Research Commission shall refer the report to the Interim Joint Committee on Local Government for review.
- ➔Section 2. KRS 65A.030 is amended to read as follows:
- (1) For fiscal periods beginning on or after July 1, 2014, requirements relating to audits and financial statements of special purpose governmental entities are as follows:
    - (a) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars (\$100,000) shall:
      - 1. Annually prepare a financial statement; and
      - 2. Once every four (4) years, contract for the application of an attestation engagement as determined by the DLG, as provided in subsection (2) of this section;
    - (b) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures equal to or greater than one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000) shall:
      - 1. Annually prepare a financial statement; and
      - 2. Once every four (4) years, contract for the provision of an independent audit as provided in subsection (2) of this section; and
    - (c) Every special purpose governmental entity with the higher of annual receipts from all sources or annual expenditures equal to or greater than five hundred thousand dollars (\$500,000) shall:
      - 1. Annually prepare a financial statement; and
      - 2. Be audited annually as provided in subsection (2) of this section.
  - (2)
    - (a) To provide for the performance of an audit or attestation engagement as provided in subsection (1)(a) to (c) of this section, the governing body of a special purpose governmental entity shall employ an independent certified public accountant or contract with the Auditor of Public Accounts to conduct the audit or attestation engagement unless the provisions of subsection (3) of this section apply.
    - (b) The audit or attestation engagement shall be completed no later than twelve (12) months following the close of the fiscal year subject to the audit or the attestation engagement.
    - (c)
      - 1. The special purpose governmental entity shall submit for publication on the registry the audit or attestation engagement, in the form and format required by the DLG.
      - 2. A federally regulated municipal utility may comply with the requirements of this section for the public power component of its operations by submitting an audit that conforms to the requirements imposed by the federal agency with which it maintains a wholesale power contract.
      - 3. A public utility established pursuant to KRS 96.740 that is not a federally regulated municipal utility may comply with the requirements of this section for the public power component of its operations by submitting a copy of its annual audit performed under KRS 96.840.
    - (d)
      - 1. The audit or attestation engagement shall conform to:

- a. Generally accepted governmental auditing or attestation standards, which means those standards for audits or attestations of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States;
  - b. Generally accepted auditing or attestation standards, which means those standards for all audits or attestations promulgated by the American Institute of Certified Public Accountants; and
  - c. Additional procedures and reporting requirements as may be required by the Auditor of Public Accounts.
- 2. Rather than meeting the standards established by subparagraph 1. of this paragraph, the audit submitted by a federally regulated municipal utility or a public utility established pursuant to KRS 96.740 that is not a federally regulated municipal utility with regard to the public power component of the utility's operations shall conform to KRS 96.840 and the financial standards of the Federal Energy Regulatory Commission's Uniform System of Accounts.
- (e) Upon request, the Auditor of Public Accounts may review the final report and all related work papers and documents of the independent certified public accountant relating to the audit or attestation engagement.
- (f) If a special purpose governmental entity is required by another provision of law to audit its funds more frequently or more stringently than is required by this section, the special purpose governmental entity shall comply with the provisions of that law, and shall comply with the requirements of paragraph (c) of this subsection.
- (g) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a unit of government furnishing funds directly to a special purpose governmental entity may require additional audits at the expense of the unit of government furnishing the funds.
- (h) All audit reports, attestation engagement reports, and financial statements of special purpose governmental entities shall be public records.
- (3)
  - (a) Any board, commission, or agency established by statute with regulatory authority or oversight responsibilities for a category of special purpose governmental entities may apply to the Auditor of Public Accounts to be approved to provide an alternative financial review of the special purpose governmental entities it regulates or oversees that are required by subsection (1)(a) of this section to submit an attestation engagement. The application shall be in the form and format determined by the Auditor of Public Accounts.
  - (b) The Auditor of Public Accounts shall review the application and if the auditor determines that the board, commission, or agency has the resources and capacity to conduct an acceptable alternative financial review, the auditor shall notify the DLG that the board, commission, or agency is approved to provide an alternative financial review of the special purpose governmental entities it regulates or oversees that are required by subsection (1)(a) of this section to submit an attestation engagement.
  - (c) The Auditor of Public Accounts shall advise the DLG and the board, commission, or agency regarding modifications to the proposed alternative financial review procedures necessary to obtain the Auditor of Public Accounts' approval.
  - (d) Any board, commission, or agency approved to provide alternative financial reviews shall reapply to the Auditor of Public Accounts for approval to continue to provide alternative financial reviews at least every four (4) years. The Auditor of Public Accounts may require more frequent approvals.
  - (e) The Auditor of Public Accounts or the DLG may withdraw any approval granted under this subsection if the board, commission, or agency fails to conduct alternative financial reviews using the procedures and including the terms and components agreed to with the DLG.
  - (f) Any board, commission, or agency approved to provide alternative financial reviews shall notify the Auditor of Public Accounts and the DLG if an irregularity is found in the alternative financial review.
  - (g) Any special purpose governmental entity subject to regulation or oversight by a board, commission, or agency that obtains approval to provide an alternative financial review under this subsection shall have the option of having an alternative financial review performed by the board, commission, or agency, or may contract for the application of an attestation engagement as provided in subsection (1)(a) of this section.

- (4) The DLG shall determine which procedures conducted under attestation standards will apply to special purpose governmental entities meeting the conditions established by subsection (1)(a) of this section. The DLG may determine that additional procedures be conducted under attestation standards for specific categories of special purpose governmental entities or for specific special purpose governmental entities, as needed, to obtain the oversight and information deemed necessary by the DLG.
- (5) Based on the information submitted by special purpose governmental entities under KRS 65A.020 and 65A.090, the DLG shall determine when each special purpose governmental entity was last audited, and shall notify the special purpose governmental entity of when each audit or attestation engagement is due under the new standards and requirements of this section.
- (6) (a) In determining the requirements relating to audits and financial statements of special purpose governmental entities under subsection (1) of this section, the DLG may exclude annual receipts received by the special purpose governmental entity if:
  1. The receipts constitute nonrecurring, nonoperating grants for the purpose of capital asset acquisition, capital construction, disaster recovery efforts, or other one (1) time purposes as determined by the DLG; and
  2. The special purpose governmental entity requests, in writing to the DLG and for each fiscal year it receives the revenue in question, that the revenues in question not be included in determining its annual revenues.
- (b) *In determining the requirements relating to audits and financial statements under subsection (1) of this section of special purpose governmental entities that are public use airports operating under KRS 183.132 to 183.160, the DLG may exclude annual receipts received by those public use airports if the receipts constitute nonoperating or recurring grants for the purpose of capital asset acquisition, capital construction, disaster recovery efforts, or other one (1) time purposes as determined by the DLG.*
- (c) Any receipts excluded under paragraph (a) *or* (b) of this subsection shall still be reported as required under KRS 65A.020(2)(a)2.
- (7) The DLG may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.

**Signed by Governor March 24, 2020.**

## CHAPTER 28

**( HB 266 )**

AN ACT relating to children of military families.

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

➔Section 1. KRS 159.075 is amended to read as follows:

- (1) A child of a military family may pre-enroll or participate in preadmission in a school district if the parent or guardian of the child:
  - (a) Is transferred to or is pending transfer to a military installation *or to a reserve component* within the state while on active military duty pursuant to an official military order; *or*
  - (b) *Is returning to the state within one (1) year of being separated from the military with an honorable discharge, discharge under honorable conditions, or a general discharge under honorable conditions.*
- (2) A school district shall accept an application for enrollment and course registration by electronic means for a child who meets the requirements set forth in subsection (1) of this section, including enrollment in a specific school or program within the school district.

- (3) The parent or guardian of a child who meets the requirements set forth in subsection (1) of this section shall provide proof of residence to the school district within ten (10) days after the arrival date provided on official documentation. The parent or guardian may use, as proof of residence, the address of:
- (a) A temporary on-post billeting facility;
  - (b) A purchased or leased home or apartment;~~[-or]~~
  - (c) Any federal government housing or off-post military housing, including off-post military housing that may be provided through a public-private venture; **or**
  - (d) A home under contract to be built.**
- (4) A child who utilizes this section shall not, until actual attendance or enrollment in the school district:
- (a) Count for the purposes of average daily attendance as defined in KRS 157.320 or 157.350; **or**
  - (b) ~~Be charged tuition pursuant to KRS 158.120; or~~
  - ~~(c) Be included in the state assessment and system pursuant to KRS 158.6453 or 158.6455.~~
- (5) ***To accommodate for temporary housing, if a child utilizes this section to enroll in a district, but the residence identified in subsection (3) of this section has not yet become available, then the district shall allow the child to enroll and begin attending the district regardless of the child's temporary residence and subsequently be included in the district's calculation of average daily attendance under KRS 157.320, for a period of up to one (1) year from the parent's or guardian's reporting for duty date or separation date before being considered a resident of another district.***

**Signed by Governor March 24, 2020.**

## CHAPTER 29

### ( SB 122 )

AN ACT relating to assisted outpatient mental health treatment.

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

➔Section 1. KRS 202A.0815 is amended to read as follows:

No person shall be court-ordered to assisted outpatient mental health treatment unless the person:

- (1) Has been involuntarily hospitalized pursuant to KRS 202A.051~~[(44)]~~ at least two (2) times in the past ***twenty-four (24)***~~twelve (12)]~~ months;
- (2) Is diagnosed with a serious mental illness;
- (3) Is unlikely to adequately adhere to outpatient treatment on a voluntary basis based on a qualified mental health professional's:
  - (a) Clinical observation;
  - (b) Review of treatment history, including the person's prior history of repeated treatment nonadherence; and
  - (c) Identification of specific characteristics of the person's clinical condition described as anosognosia, or failure to recognize his or her diagnosis of serious mental illness; and
- (4) Is in need of court-ordered assisted outpatient treatment as the least restrictive alternative mode of treatment presently available and appropriate.

**Signed by Governor March 24, 2020.**



**CHAPTER 30****( HB 256 )**

AN ACT relating to the rights of victims of sexual offenses.

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

➔Section 1. KRS 403.322 is amended to read as follows:

- (1) The Commonwealth recognizes that certain victims of sexual assault may conceive a child as a result of the sexual assault and may choose to bear and raise the child. The Commonwealth also recognizes that victims of a sexual assault who have elected to raise a child born as a result of the sexual assault, as well as that child, may suffer serious emotional or physical trauma if the perpetrator of the assault is granted parental rights with the child.
- (2) Except as provided in subsection (3) of this section, any person who has been convicted of a felony offense under KRS Chapter 510, *or a comparable offense from another jurisdiction*, in which the victim of that offense has conceived and delivered a child, shall not have custody or visitation rights, or the rights of inheritance under KRS Chapter 391 with respect to that child.
- (3) The *adult* mother of the child may waive the protection afforded under subsection (2) of this section regarding visitation and request that the court grant reasonable visitation rights with the child if paternity has been acknowledged.
- (4) Unless waived by the mother, *or a guardian of a minor mother or a de facto custodian of the child in the case of a minor mother*, and, if applicable, the public agency substantially contributing to the support of the child, a court shall establish a child support obligation against the father of the child pursuant to KRS 403.211.

➔Section 2. KRS 405.028 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, any person who has been convicted of a felony offense under KRS Chapter 510, *or a comparable offense from another jurisdiction*, in which the victim of that offense has conceived and delivered a child, shall not have custody or visitation rights, or the right of inheritance under KRS Chapter 391 with respect to that child.
- (2) The *adult* mother of the child may waive the protection afforded under subsection (1) of this section regarding visitation and request that the court grant reasonable visitation rights with the child if paternity has been acknowledged.
- (3) Unless waived by the mother, *or a guardian of a minor mother or a de facto custodian of the child in the case of a minor mother*, and, if applicable, the public agency substantially contributing to the support of the child, a court shall establish a child support obligation against the father of the child pursuant to KRS 403.211. *As used in this subsection, "de facto custodian" has the same meaning as in KRS 403.270.*

**Signed by Governor March 24, 2020.**

**CHAPTER 31****( SB 160 )**

AN ACT relating to the Department of Law.

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

➔Section 1. KRS 15.010 is amended to read as follows:

- (1) The Attorney General is the head of the Department of Law.
- (2) The Department of Law shall include the following major organizational units:
  - (a) *Criminal Division;*
    1. *Department of Criminal Investigations;*
    2. *Office of Special Prosecutions;*

3. *Office of Medicaid Fraud and Abuse Control;*
4. *Office of Trafficking and Abuse Prevention and Prosecution;*
5. *Office of Prosecutors Advisory Council; and*
6. *Office of Victims Advocacy;*
- (b) *Civil Division;*
  1. *Office of Consumer Protection;*
  2. *Office of Civil and Environmental Law;*
    - a. *Open Records and Meetings Division; and*
    - b. *Administrative Hearings Division;*
  3. *Office of Rate Intervention; and*
  4. *Office of Senior Protection;*
- (c) *Office of the Solicitor General;*
  1. *Criminal Appeals Division; and*
  2. *Civil Appeals Division;*
- (d) *Office of Communications; and*
- (e) *Office of Administrative Services*  
~~[Criminal Appellate Division;~~  
~~(b) — Consumer Protection Division;~~  
~~(c) — Special Investigations Division;~~  
~~(d) — Special Prosecutions Division;~~  
~~(e) — Prosecutors Advisory Council Services Division;~~  
~~(f) — Medicaid Fraud and Abuse Control Division;~~  
~~(g) — Civil and Environmental Law Division;~~  
~~(h) — Victims Advocacy Division;~~  
~~(i) — Administrative Hearings Division;~~  
~~(j) — Office of Rate Intervention;~~  
~~(k) — Administrative Services Division; and~~  
~~(l) — Financial Integrity Enforcement Division].~~

➔ Section 2. KRS 15.100 is amended to read as follows:

- (1) The Attorney General shall appoint a deputy attorney general, who shall have the same qualifications required of a Circuit Judge except for residence in a district and who shall receive the same salary as a Circuit Judge, to serve at the pleasure of the Attorney General and to perform the duties he may designate. The Attorney General may appoint two (2) assistant deputy attorneys general, who shall have the same qualifications required of a District Judge except for residence in a district and who shall receive the same salary as a District Judge, to serve at the pleasure of the Attorney General and to perform the duties he may designate. In addition thereto, he ~~shall~~~~[may]~~ appoint *a solicitor*~~[another assistant deputy attorney]~~ general to *serve at the pleasure of the Attorney General and to perform the duties he may designate*~~[function as administrator]~~ and shall set his salary.
- (2) In addition to the deputy attorney general, the Attorney General shall appoint such assistants and special attorneys as he deems necessary to transact the business of the Department of Law, and to perform the duties he may designate. The deputy attorney general, assistant deputy attorneys general, assistants, and special attorneys shall have full power, as authorized and under the direction of the Attorney General, to perform such duties as may be performed by the Attorney General. The Attorney General shall be responsible for the official acts of his deputy, assistant deputy attorneys general, assistants, and special attorneys.

- (3) In addition to the appointment and designation of a deputy, assistant deputy attorneys general, assistants, and special attorneys pursuant to subsections (1) and (2) of this section, the Attorney General may enter into such contracts for legal services as he deems necessary and advisable. Such contracts shall be subject to the relevant provisions of the Kentucky Model Procurement Code in KRS Chapter 45A.
- (4) Each assistant or special attorney so appointed or designated shall be a person admitted to the practice of law by the Supreme Court of this Commonwealth and shall qualify by taking the oath of office.

**Signed by Governor March 24, 2020.**

## CHAPTER 32

( SB 79 )

AN ACT relating to school background checks.

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

➔Section 1. KRS 160.380 is amended to read as follows:

- (1) As used in this section:

- (a) *"Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:*

- 1. *Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;*
- 2. *Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or*
- 3. *Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B;"*

- (b) 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;

- (c)~~(b)~~ "Clear CA/N check" means a letter from the Cabinet for Health and Family Services indicating that there are no ~~administrative~~~~[substantiated]~~ findings of child abuse or neglect relating to a specific individual;

- (d)~~(c)~~ "Relative" means father, mother, brother, sister, husband, wife, son and daughter; and

- (e)~~(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, the school district personnel actions identified in this section shall be carried out as follows:

- (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 fifteen (15) 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 fifteen (15) 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; and
  - (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.
- (3) Restrictions on employment of relatives shall be as follows:
- (a) 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 and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system 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;
  - (b) No superintendent shall employ a relative of a school board member of the district;
  - (c) No principal's relative shall be employed in the principal's school; and
  - (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
    - 1. A regular full-time or part-time employee of the district;
    - 2. Accruing continuing contract status or any other right to continuous employment;
    - 3. Receiving fringe benefits other than those provided other substitutes or
    - 4. Receiving preference in employment or assignment over other substitutes.
- (4) 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.
- (5) No superintendent shall initially 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 or persons with ***an administrative***~~[a substantiated]~~ finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services. The superintendent may employ, at his discretion, except at a Kentucky Educational Collaborative for State Agency Children program, persons convicted of sex crimes classified as a misdemeanor.
- (6) Requirements for background checks shall be as follows:
- (a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:
    - 1. Each new certified or classified hire;
    - 2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
    - 3. A student teacher;

4. A school-based decision making council parent member; and
  5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;
- (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
- a. Classified and certified individuals employed by the school district prior to June 27, 2019; or
  - b. 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 and who have a clear CA/N check for the previous employment.
2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544;
- (c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or 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; and
- (d) A superintendent may require a volunteer or a 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 and have a clear CA/N check, provided by the individual.
- (7) (a) If a certified or classified position remains unfilled after July 31 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 and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check 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 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no **administrative** findings of ~~substantiated~~ child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
- (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.
- ~~(8)(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, or on the basis of a CA/N check showing **an administrative finding** ~~substantiation~~ of child abuse or neglect.
- ~~(9)(8)~~ (a) 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, the Federal Bureau of Investigation, and the Cabinet for Health and Family Services shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (b) Each application ~~or renewal~~ form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO **ADMINISTRATIVE**

FINDINGS OF ~~SUBSTANTIATED~~ CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."

- (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)(9)~~ 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.
- ~~(11)(10)~~ Notwithstanding any law to the contrary, each certified and classified employee of the school district shall notify the superintendent if he or she has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if he or she has waived the right to appeal a substantiated finding of child abuse or neglect or if the substantiated incident was upheld upon appeal. Any failure to report this finding shall result in the certified or classified employee being subject to dismissal or termination.
- ~~(12)(11)~~ The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services Web site.

**Signed by Governor March 24, 2020.**

## CHAPTER 33

### ( HB 99 )

AN ACT creating and funding a Kentucky Economic Development Finance Authority loan for a qualifying public medical center located in a city of the first class, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. There is hereby appropriated to the Cabinet for Economic Development General Fund moneys in the amount of \$3,069,000 in fiscal year 2020-2021 and \$3,069,000 in fiscal year 2021-2022 for new debt service to support \$35,000,000 in new bonds in fiscal year 2019-2020 for the creation and funding of a Kentucky Economic Development Finance Authority loan ("KEDFA loan") for a qualifying public medical center located in a city of the first class.

➔Section 2. The KEDFA loan shall not exceed a twenty-year term and shall be utilized by the Cabinet for Economic Development to assist the qualifying public medical center in providing needed direct health care services and research operations facilities for the citizens of the Commonwealth.

➔Section 3. The KEDFA loan shall be finalized with funds distributed by April 1, 2020. The Cabinet for Economic Development shall determine the terms and conditions of the KEDFA loan and monitor the performance of the qualifying public medical center to achieve partial loan forgiveness not to exceed 50 percent of the KEDFA loan amount.

➔Section 4. The public medical center that receives the KEDFA loan shall provide an annual report to the Interim Joint Committee on Appropriations and Revenue on October 1 of each year detailing the status of the KEDFA loan for as long as the loan is in effect.

➔Section 5. Whereas healthcare services are vital to the health and well-being 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 law.

**Signed by Governor March 25, 2020.**

## CHAPTER 34

( HB 382 )

AN ACT relating to the operation of golf carts.

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

➔Section 1. KRS 189.286 is amended to read as follows:

(1) As used in this section:

(a) "Golf cart" means any self-propelled vehicle that:

1. Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;
2. Has a minimum of four (4) wheels;
3. Is designed to operate at a speed of not more than thirty-five (35) miles per hour;
4. Is designed to carry not more than six (6) persons, including the driver;
5. Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;
6. Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds; and
7. Is equipped with the following:
  - a. Headlamps;
  - b. Tail lamps;
  - c. Stop lamps;
  - d. Front and rear turn signals;
  - e. One (1) red reflex reflector on each side as far to the rear as practicable, and one (1) red reflex reflector on the rear;
  - f. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
  - g. A parking brake;
  - h. For each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209; and
  - i. A horn that meets the requirements of KRS 189.080; and

(b) "Local government" means a city, county, charter county government, urban-county government, consolidated local government, unified local government, or special district.

(2) The governing body of a local government may authorize and regulate the operation of a golf cart on any public roadway under its jurisdiction if the local government adopts an ordinance specifying each roadway that is open for golf cart use.

(3) An ordinance created under subsection (2) of this section shall require that a golf cart operated on a designated public roadway:

(a) Be issued a permit for the golf cart by the local government;

- (b) Display a sticker or permit that identifies that the golf cart is allowed to be operated on specific roadways within the local government; and
  - (c) Be inspected by a certified inspector designated by the county sheriff and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this paragraph shall not exceed five dollars (\$5) with an additional fee not to exceed ten dollars (\$10) per trip charged if it becomes necessary for the certified inspector to travel to the site of the golf cart rather than having the golf cart brought to the sheriff's inspection area.
- (4) A person may operate a golf cart on a public roadway pursuant to subsection (2) of this section if:
- (a) The posted speed limit of the designated public roadway is thirty-five (35) miles per hour or less;
  - (b) The operator of the golf cart does not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour;
  - (c) The operator has a valid operator's license in his or her possession; *and*
  - (d) ~~The golf cart is being operated between sunrise and sunset; and~~
  - (e) ~~The~~ The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.
- (5) A golf cart operating on a public roadway under subsection (2) of this section shall be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.
- (6) Any person operating a golf cart on a public roadway under the provisions of this section shall be subject to the traffic regulations of KRS Chapter 189.
- (7) A golf cart operating on a public roadway designated by a local government under subsection (2) of this section is not considered to be motor a vehicle and is exempt from:
- (a) Title requirements of KRS 186.020;
  - (b) Vehicle registration requirements of KRS 186.050; and
  - (c) Emissions compliance certificates pursuant to KRS 224.20-720.
- (8) A local government may adopt more stringent local ordinances governing golf cart safety equipment and operation than specified in this section.
- (9) The Transportation Cabinet may prohibit the operation of a golf cart on a public roadway designated under subsection (2) of this section that crosses a state-maintained highway under its jurisdiction if it determines that such prohibition is necessary in the interest of public safety.
- (10) The provisions of this section shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

**Signed by Governor March 26, 2020.**

## CHAPTER 35

### ( SB 56 )

AN ACT relating to the sale of tobacco, alternative nicotine, and vapor products and declaring an emergency.

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

➔Section 1. KRS 438.305 is amended to read as follows:

As used in KRS 438.305 to 438.340, unless the context requires otherwise:

- (1) (a) "Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.
- (b) "Alternative nicotine product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;



- (2) "Manufacturer" means any person who manufactures or produces tobacco products within or without this Commonwealth;
- (3) "Nonresident wholesaler" means any person who purchases cigarettes or other tobacco products directly from the manufacturer and maintains a permanent location or locations outside this state at which Kentucky cigarette tax evidence is attached or from which Kentucky cigarette tax is reported and paid;
- (4) "Proof of age" means a driver's license or other documentary or written evidence *of an individual's age* ~~that the individual is eighteen (18) years of age or older~~;
- (5) "Resident wholesaler" means any person who purchases at least seventy-five percent (75%) of all cigarettes or other tobacco products purchased by that person directly from the cigarette manufacturer on which the cigarette tax provided for in KRS 138.130 to 138.205 is unpaid, and who maintains an established place of business in this state at which the person attaches cigarette tax evidence or receives untaxed cigarettes;
- (6) "Sample" means a tobacco product, alternative nicotine product, or vapor product distributed to members of the general public at no cost;
- (7) "Subjobber" means any person who purchases tobacco products, on which the Kentucky cigarette tax has been paid, from a wholesaler licensed pursuant to KRS 138.195, and makes them available to a retail establishment for resale;
- (8) (a) "Tobacco product" means any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth. *"Tobacco product" also means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product, except for raw materials other than tobacco used in manufacturing any component, part, or accessory of a tobacco product, in accordance with the federal Tobacco Control Act, Pub. L. No. 111-31;*
  - (b) "Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act; and
- (9) (a) "Vapor product" means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. "Vapor product" includes but is not limited to *any device deemed to be an electronic nicotine delivery system by the United States Food and Drug Administration*, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.
  - (b) "Vapor product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

➔Section 2. KRS 438.310 is amended to read as follows:

- (1) No person shall sell or cause to be sold any tobacco product, alternative nicotine product, or vapor product at retail to any person under the age of *twenty-one (21)* ~~eighteen (18)~~, or solicit any person under the age of *twenty-one (21)* ~~eighteen (18)~~ to purchase any tobacco product, alternative nicotine product, or vapor product at retail.
- (2) Any person who sells tobacco products, alternative nicotine products, or vapor products at retail shall cause to be posted in a conspicuous place in his establishment a notice stating that it is illegal to sell tobacco products, alternative nicotine products, or vapor products to persons under age *twenty-one (21)* ~~eighteen (18)~~.
- (3) Any person selling tobacco products, alternative nicotine products, or vapor products shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective buyer or recipient is under the age of *twenty-one (21)* ~~eighteen (18)~~.
- (4) A person who violates subsection (1) or (2) of this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for a first violation and a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for any subsequent violation.

The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure.

➔Section 3. KRS 438.311 is amended to read as follows:

- (1) Except for the provisions of KRS 438.330, it shall be unlawful for a person who has not attained the age of **twenty-one (21)**~~eighteen (18)~~ years to purchase or accept receipt of or to attempt to purchase or accept receipt of a tobacco product, alternative nicotine product, or vapor product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product, alternative nicotine product, or vapor product. It shall not be unlawful for such a person to accept receipt of a tobacco product, alternative nicotine product, or vapor product from an employer when required in the performance of the person's duties.
- (2) ~~[This offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.]~~
- ~~(3) [All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may **confiscate the tobacco product, alternative nicotine product, or vapor product of a person under the age of twenty-one (21) who has violated** issue a uniform citation, but not make an arrest or take a child into custody, for a violation of] this section. **Notwithstanding any provision of law to the contrary, no other penalty shall apply to a person under the age of twenty-one (21) for a violation of this section.** [If a child fails to appear in court in response to a uniform citation issued pursuant to the section, the court may compel the attendance of the defendant in the manner specified by law.]~~

➔Section 4. KRS 438.313 is amended to read as follows:

- (1) No wholesaler, retailer, or manufacturer of cigarettes, tobacco products, alternative nicotine products, or vapor products may distribute cigarettes, tobacco products, alternative nicotine products, or vapor products, including samples thereof, free of charge or otherwise, to any person under the age of **twenty-one (21)**~~eighteen (18)~~.
- (2) Any person who distributes cigarettes, tobacco products, alternative nicotine products, or vapor products, including samples thereof, free of charge or otherwise shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of **twenty-one (21)**~~eighteen (18)~~.
- (3) Any person who violates the provisions of this section shall be fined not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) for each offense. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older. ~~[For persons under the age of eighteen (18) years, the offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.]~~
- (4) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section. ~~[If a child fails to appear in court in response to a uniform citation issued pursuant to this section, the court may compel the attendance of the defendant in the manner specified by law.]~~

➔Section 5. KRS 438.315 is amended to read as follows:

- (1) The sale of tobacco products, alternative nicotine products, or vapor products dispensed through a vending machine is prohibited to any person under the age of **twenty-one (21)**~~eighteen (18)~~ years.
- (2) The purchase of tobacco products, alternative nicotine products, or vapor products dispensed through a vending machine is prohibited to any person under the age of **twenty-one (21)**~~eighteen (18)~~ years.
- (3) Except for vending machines located in factories or vending machines located in bars or taverns to which minors are not permitted access, any vending machine from which tobacco products, alternative nicotine products, or vapor products are dispensed shall be located in the line of sight of the cashier for the retail establishment.
- (4) Any owner of a retail establishment violating this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older. ~~[For persons under the age of eighteen (18) years, the offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.]~~

- (5) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section. ~~[If a child fails to appear in court in response to a uniform citation issued pursuant to this section, the court may compel the attendance of the defendant in the manner specified by law.]~~

➔Section 6. KRS 438.325 is amended to read as follows:

- (1) Each owner of a retail establishment selling or distributing tobacco products, alternative nicotine products, or vapor products shall notify each individual employed in the retail establishment as a retail sales clerk that the sale of tobacco products, alternative nicotine products, or vapor products to any person under the age of ***twenty-one (21)***~~*eighteen (18)*~~ years and the purchase of tobacco products, alternative nicotine products, or vapor products by any person under the age of ***twenty-one (21)***~~*eighteen (18)*~~ years are prohibited.
- (2) Each owner of a retail establishment selling or distributing tobacco products, alternative nicotine products, or vapor products shall notify each individual employed in the retail establishment as a retail sales clerk that proof of age is required from a prospective buyer or recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of ***twenty-one (21)***~~*eighteen (18)*~~.
- (3) The notice to employees that is required in subsection (1) of this section shall be provided before the person commences work as a retail sales clerk, or, in the case of a person employed as a retail sales clerk on ***the effective date of this Act***~~*April 10, 2014*~~, within thirty (30) days of that date. The employee shall signify receipt of the notice required by this section by signing a form that states as follows:

"I understand that under the law of the Commonwealth of Kentucky it is illegal to sell or distribute tobacco products, alternative nicotine products, or vapor products to persons under the age of ***twenty-one (21)***~~*eighteen (18)*~~ years and that it is illegal for persons under the age of ***twenty-one (21)***~~*eighteen (18)*~~ years to purchase tobacco products, alternative nicotine products, or vapor products."

- (4) The owner of the retail establishment shall maintain the signed notice that is required pursuant to subsection (3) of this section in a place and in a manner so as to be easily accessible to any employee of the Department of Alcoholic Beverage Control or the Department of Agriculture conducting an inspection of the retail establishment for the purpose of monitoring compliance in limiting the sale or distribution of tobacco products, alternative nicotine products, or vapor products to persons under the age of ***twenty-one (21)***~~*eighteen (18)*~~ as provided in KRS 438.305 to 438.340.
- (5) Any owner of the retail establishment violating subsections (1) to (4) of this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The fine shall be administered by the Department of Alcoholic Beverage Control in a civil enforcement procedure.

➔Section 7. KRS 438.330 is amended to read as follows:

- (1) The Department of Alcoholic Beverage Control and the Department of Agriculture shall carry out annually conducted random, unannounced inspections of retail establishments where tobacco products, alternative nicotine products, or vapor products are sold or distributed for the purpose of enforcing the provisions of KRS 438.305 to 438.340. The inspections shall be conducted to the extent necessary to assure that the Commonwealth remains in compliance with Public Law 102-321 and applicable federal regulations. The Department of Alcoholic Beverage Control and the Department of Agriculture shall also ensure that targeted inspections are conducted at those retail establishments where, and at those times when, persons under the age of ***twenty-one (21)***~~*eighteen (18)*~~ years are most likely to purchase tobacco products, alternative nicotine products, or vapor products. Persons under the age of ***twenty-one (21)***~~*eighteen (18)*~~ years may be used to test compliance with the provisions of KRS 438.305 to 438.340 only if the testing is conducted under the direct supervision of the Department of Alcoholic Beverage Control, sheriff, or chief of police, or their employees, and written parental consent has been obtained. The Department of Alcoholic Beverage Control shall prepare annually, for submission by the Governor to the Secretary of the United States Department of Health and Human Services, the report required by Section 1926 of Subpart 1 of Part B of Title XIX of the Federal Public Health Service Act.
- (2) The Department of Alcoholic Beverage Control shall develop and implement the survey sampling methodologies to carry out the inspections as described in this section.

➔Section 8. KRS 438.337 is amended to read as follows:

- (1) ~~[Except for violations of the provisions of KRS 438.311, 438.313, and 438.315 by a juvenile, which shall be under the jurisdiction of the juvenile session of the District Court,]~~ The Department of Alcoholic Beverage Control shall carry out the enforcement provisions of KRS 438.305 to 438.340.

- (2) The Department of Alcoholic Beverage Control shall be entitled to the revenue produced by one-twentieth of one cent (\$0.0005) of the three-cent (\$0.03) per pack revenue collected by the Finance and Administration Cabinet from the state excise tax on the sale of cigarettes as imposed by KRS 138.140 to be deposited in a trust and agency account created in the State Treasury, and to keep fifty percent (50%) of any fines collected under KRS 438.305 to 438.340 to offset the costs of enforcement of KRS 438.305 to 438.340.
- (3) The Department of Alcoholic Beverage Control shall be responsible for maintaining statistics for compilation of required reports to be submitted to the United States Department of Health and Human Services.
- (4) The Department of Alcoholic Beverage Control shall devise a plan and time frame for enforcement to determine by random inspection if the percentage of retailers or distributors making illegal sales to *persons under the age of twenty-one (21)*~~[minors]~~ does or does not exceed federal guidelines preventing tobacco sales to *persons under the age of twenty-one (21)*~~[minors]~~.

➔Section 9. KRS 438.350 is amended to read as follows:

- (1) No person under the age of *twenty-one (21)*~~[eighteen (18)]~~ shall possess or use tobacco products, alternative nicotine products, or vapor products.
- (2) Any tobacco product, alternative nicotine product, or vapor product found in the possession of a person under the age of *twenty-one (21)*~~[eighteen (18)]~~ and in plain view of the law enforcement officer shall be confiscated by the law enforcement officer making the charge.
- (3) This section shall not apply to persons exempted as provided by KRS 438.311 and 438.330.
- (4) The terms "alternative nicotine product," "tobacco product," and "vapor product," shall have the same meanings as in KRS 438.305.

➔Section 10. 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 a substance use disorder 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; or
    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) cumulative months out of forty-eight (48) 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) "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) "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) "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) "Cabinet" means the Cabinet for Health and Family Services;
- (8) "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) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;
- (10) "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) "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) "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) "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) "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) "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) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;

- (17) "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) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- (19) "Department" means the Department for Community Based Services;
- (20) "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) "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) "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) "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) "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) "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) "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) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;
- (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child;
- (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- (30) "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;
- (31) "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;

- (32) "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;
- (33) "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;
- (34) "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;
- (35) "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;
- (36) "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;
- (37) "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;
- (38) "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;
- (39) "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;
- (40) "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;
- (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (43) "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;
- (44) "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;
- (45) "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, fictive kin home, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;
- (46) "Parent" means the biological or adoptive mother or father of a child;
- (47) "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;
- (48) "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;
- (49) "Physical injury" means substantial physical pain or any impairment of physical condition;
- (50) "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;
- (51) "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;

(52) "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;
- (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; or
- (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:
  - 1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
  - 2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
  - 3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:
    - a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
    - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or
  - 4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and;



- a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
  - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;
- (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);
- (54) "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;
- (55) "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;
- (56) "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;
- (57) "School personnel" means those certified persons under the supervision of the local public or private education agency;
- (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- (59) "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;
- (60) "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;
- (61) "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;
- (62) "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;
- (63) "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;
- (64) "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;
- (65) (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; *and*
  - 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;

- (66) "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;
- (67) "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;
- (68) "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;
- (69) "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;
- (70) "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;
- (71) "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
- (72) "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 11. KRS 610.010 is amended to read as follows:

- (1) Unless otherwise exempted by KRS Chapters 600 to 645, the juvenile session of the District Court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who has not reached his or her eighteenth birthday or of any person who at the time of committing a public offense was under the age of eighteen (18) years, who allegedly has committed a public offense prior to his or her eighteenth birthday, except a motor vehicle offense involving a child sixteen (16) years of age or older. A child sixteen (16) years of age or older taken into custody upon the allegation that the child has committed a motor vehicle offense shall be treated as an adult and shall have the same conditions of release applied to him or her as an adult. A child taken into custody upon the allegation that he or she has committed a motor vehicle offense who is not released under conditions of release applicable to adults shall be held, pending his or her appearance before the District Court, in a facility as defined in KRS 15A.067. Children sixteen (16) years of age or older who are convicted of, or plead guilty to, a motor vehicle offense shall, if sentenced to a term of confinement, be placed in a facility for that period of confinement preceding their eighteenth birthday and an adult detention facility for that period of confinement subsequent to their eighteenth birthday. The term "motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent nor any offense which constitutes a felony;
- (2) Unless otherwise exempted by KRS Chapters 600 to 645, the juvenile session of the District Court of each county or the family division of the Circuit Court shall have exclusive jurisdiction in proceedings concerning any child living or found within the county who has not reached his or her eighteenth birthday and who allegedly:
  - (a) Is beyond the control of the school or beyond the control of parents as defined in KRS 600.020;
  - (b) Is an habitual truant from school;
  - (c) Is an habitual runaway from his or her parent or other person exercising custodial control or supervision of the child;
  - (d) Is dependent, neglected, or abused;

- (e) Has committed an alcohol offense in violation of KRS 244.085; *or*
  - (f) ~~Has committed a tobacco offense as provided in KRS 438.305 to 438.340; or~~
  - ~~(g)~~ Is mentally ill.
- (3) Actions brought under subsection (1) of this section shall be considered to be public offense actions.
  - (4) Actions brought under subsection (2)(a), (b), (c), *and* (e) ~~and (f)~~ of this section shall be considered to be status offense actions.
  - (5) Actions brought under subsection (2)(d) of this section shall be considered to be nonoffender actions.
  - (6) Actions brought under subsection ~~(2)(f)~~ ~~(2)(e)~~ of this section shall be considered to be mental health actions.
  - (7) Nothing in this chapter shall deprive other courts of the jurisdiction to determine the custody or guardianship of children upon writs of habeas corpus or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of Circuit Courts over adoptions and proceedings for termination of parental rights.
  - (8) The court shall have no jurisdiction to make permanent awards of custody of a child except as provided by KRS 620.027.
  - (9) If the court finds an emergency to exist affecting the welfare of a child, or if the child is eligible for the relative or fictive kin caregiver assistance as established in KRS 620.142, it may make temporary orders for the child's custody; however, if the case involves allegations of dependency, neglect, or abuse, no emergency removal or temporary custody orders shall be effective unless the provisions of KRS Chapter 620 are followed. Such orders shall be entirely without prejudice to the proceedings for permanent custody of the child and shall remain in effect until modified or set aside by the court. Upon the entry of a temporary or final judgment in the Circuit Court awarding custody of such child, all prior orders of the juvenile session of the District Court in conflict therewith shall be deemed canceled. This section shall not work to deprive the Circuit Court of jurisdiction over cases filed in Circuit Court.
  - (10) The court of each county wherein a public offense, as defined in subsection (1) of this section, is committed by a child who is a resident of another county of this state shall have concurrent jurisdiction over such child with the court of the county wherein the child resides or the court of the county where the child is found. Whichever court first acquires jurisdiction of such child may proceed to final disposition of the case, or in its discretion may make an order transferring the case to the court of the county of the child's residence or the county wherein the offense was committed, as the case may be.
  - (11) Nothing in this chapter shall prevent the court from holding a child in contempt of court to enforce valid court orders previously issued by the court, subject to the requirements contained in KRS 610.265 and 630.080.
  - (12) Except as provided in KRS 635.060(4), 630.120(5), or 635.090, nothing in this chapter shall confer upon the District Court or the family division of the Circuit Court, as appropriate, jurisdiction over the actions of the Department of Juvenile Justice or the cabinet in the placement, care, or treatment of a child committed to the Department of Juvenile Justice or committed to or in the custody of the cabinet; or to require the department or the cabinet to perform, or to refrain from performing, any specific act in the placement, care, or treatment of any child committed to the department or committed to or in the custody of the cabinet.
  - (13) Unless precluded by KRS Chapter 635 or 640, in addition to informal adjustment, the court shall have the discretion to amend the petition to reflect jurisdiction pursuant to the proper chapter of the Kentucky Unified Juvenile Code.
  - (14) The court shall have continuing jurisdiction over a child pursuant to subsection (1) of this section, to review dispositional orders, and to conduct permanency hearings under 42 U.S.C. sec. 675(5)(c) until the child is placed for adoption, returned home to his or her parents with all the court imposed conditions terminated, completes a disposition pursuant to KRS 635.060, or reaches the age of eighteen (18) years.

➔Section 12. KRS 630.020 is amended to read as follows:

The court shall have exclusive jurisdiction in proceedings concerning any child living, or found within the district, who allegedly:

- (1) Has been an habitual runaway from his parent or person exercising custodial control or supervision of the child;

- (2) Is beyond the control of the school or beyond the control of parents as defined in KRS 600.020;
- (3) Has been an habitual truant from school; *or*
- (4) ~~Has committed a tobacco offense under KRS 438.305 to 438.340; or~~
- ~~(5)~~ Has committed an alcohol offense under KRS 244.085.

➔Section 13. Whereas it is critical to bring the Commonwealth's purchase age requirements for tobacco, alternative nicotine, and vapor products into conformance with recently enacted federal purchase age requirements, 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 26, 2020.**

## CHAPTER 36

### ( SB 102 )

AN ACT relating to operations of executive branch agencies.

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

➔Section 1. KRS 42.545 is amended to read as follows:

Each agency authorized to issue bonds listed in this section shall make a report according to generally accepted accounting principles of all money received and disbursed during each fiscal year, on or before the fifteenth of July, showing the receipts, expenditures, trustees, depositories, rates of interest paid by depositories, investments, and rates of return on investments by each agency to the Office of the Controller. The agencies required to report under this section are Eastern Kentucky University; Kentucky State University; Morehead State University; Murray State University; Northern Kentucky University; University of Kentucky; University of Louisville; Western Kentucky University; Kentucky Community and Technical College System; Kentucky Housing Corporation; Kentucky Higher Education Student Loan Corporation; Kentucky School Building Authority; the Turnpike Authority of Kentucky; the State Property and Buildings Commission; Churchill Downs Authority; ~~Kentucky Health and Geriatric Authority;~~ }State Fair Board; Department of Fish and Wildlife Resources; Water Resources Authority of Kentucky; and any other agency or instrumentality authorized to issue bonds.

➔Section 2. KRS 42.720 is amended to read as follows:

The General Assembly finds and declares that:

- (1) The establishment of the position of the executive director of the Commonwealth Office of Technology, appointed by the secretary of the Finance and Administration Cabinet with the approval of the Governor, as the Commonwealth's single point of contact and spokesperson for all matters related to information technology and resources, including policies, standard setting, deployment, strategic and tactical planning, acquisition, management, and operations is necessary and in keeping with the industry trends of the private and public sectors;
- (2) The appropriate use of information technology by the Commonwealth can improve operational productivity, reduce the cost of government, enhance service to customers, and make government more accessible to the public;
- (3) Government-wide planning, investment, protection, and direction for information resources must be enacted to:
  - (a) Ensure the effective application of information technology on state business operations;
  - (b) Ensure the quality, security, and integrity of state business operations; and
  - (c) Provide privacy to the citizens of the Commonwealth;
- (4) The Commonwealth must provide information technology infrastructure, technical directions, and a proficient organizational management structure to facilitate the productive application of information technology and resources to accomplish programmatic missions and business goals;

- (5) Oversight of large scale and government statewide systems or projects is necessary to protect the Commonwealth's investment and to ensure appropriate integration with existing or planned systems;
- (6) A career development plan and professional development program for information technology staff of the executive branch is needed to provide key competencies and adequate on-going support for the information resources of the Commonwealth and to ensure that the information technology staff will be managed as a Commonwealth resource;
- (7) The Commonwealth is in need of information technology advisory capacities to the Governor and the agencies of the executive cabinet;
- (8) Appropriate public-private partnerships to supplement existing resources must be developed as a strategy for the Commonwealth to comprehensively meet its spectrum of information technology and resource needs;
- (9) Technological and theoretical advances in information use are recent in origin, immense in scope and complexity, and change at a rapid rate, which presents Kentucky with the opportunity to provide higher quality, more timely, and more cost-effective government services to ensure standardization, interoperability, and interconnectivity;
- (10) The sharing of information resources and technologies among executive branch state agencies is the most cost-effective method of providing the highest quality and most timely government services that would otherwise be cost-prohibitive;
- (11) The ability to identify, develop, and implement changes in a rapidly moving field demands the development of mechanisms to provide for the research and development of technologies that address systems, uses, and applications; and
- (12) The exercise by the executive director of the Commonwealth Office of Technology of powers and authority conferred by KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, *and* 186A.285~~[-, and 194A.146]~~ shall be deemed and held to be the performance of essential governmental functions.

➔Section 3. KRS 42.726 is amended to read as follows:

- (1) The Commonwealth Office of Technology shall be the lead organizational entity within the executive branch regarding delivery of information technology services, including application development and delivery, and shall serve as the single information technology authority for the Commonwealth.
- (2) The roles and duties of the Commonwealth Office of Technology shall include but not be limited to:
  - (a) Providing technical support and services to all executive agencies of state government in the application of information technology;
  - (b) Assuring compatibility and connectivity of Kentucky's information systems;
  - (c) Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;
  - (d) Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture, including implementing necessary management processes to assure full compliance with those directions, standards, and architecture;
  - (e) Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;
  - (f) Developing, implementing, and maintaining the technology infrastructure of the Commonwealth and all related support staff, planning, administration, asset management, and procurement for all executive branch cabinets and agencies except:
    1. Agencies led by a statewide elected official;
    2. The nine (9) public institutions of postsecondary education;
    3. The Department of Education's services provided to local school districts;
    4. The Kentucky Retirement Systems and the Teachers' Retirement System;
    5. The Kentucky Housing Corporation;

6. The Kentucky Lottery Corporation;
  7. The Kentucky Higher Education Student Loan Corporation; and
  8. The Kentucky Higher Education Assistance Authority;
- (g) Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;
  - (h) Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The executive director is authorized to grant or withhold approval to initiate these projects;
  - (i) Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;
  - (j) Establishing a central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
  - (k) Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
  - (l) Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;
  - (m) In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;
  - (n) Providing staff support and technical assistance to the Geographic Information Advisory Council and the Kentucky Information Technology Advisory Council;
  - (o) Overseeing the development of a statewide geographic information plan with input from the Geographic Information Advisory Council;
  - (p) Developing for state executive branch agencies a coordinated security framework and model governance structure relating to the privacy and confidentiality of personal information collected and stored by state executive branch agencies, including but not limited to:
    1. Identification of key infrastructure components and how to secure them;
    2. Establishment of a common benchmark that measures the effectiveness of security, including continuous monitoring and automation of defenses;
    3. Implementation of vulnerability scanning and other security assessments;
    4. Provision of training, orientation programs, and other communications that increase awareness of the importance of security among agency employees responsible for personal information; and
    5. Development of and making available a cyber security incident response plan and procedure; and
  - (q) Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.
- (3) The Commonwealth Office of Technology may:
    - (a) Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the executive director finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;
    - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, **and** 186A.285~~, and 194A.146~~;
    - (c) Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;

- (d) Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, **and** 186A.285~~[-, and 194A.146]~~;
- (e) Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;
- (f) Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends, the Commonwealth Office of Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable; and
- (g) Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:
  - 1. New and emerging technologies as approved by the executive director or her or his designee; or
  - 2. Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.
- (4) Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.
- (5) The Commonwealth Office of Technology shall, on or before October 1 of each year, submit to the Legislative Research Commission a report in accordance with KRS 57.390 detailing:
  - (a) Any security breaches that occurred within organizational units of the executive branch of state government during the prior fiscal year that required notification to the Commonwealth Office of Technology under KRS 61.932;
  - (b) Actions taken to resolve the security breach, and to prevent additional security breaches in the future;
  - (c) A general description of what actions are taken as a matter of course to protect personal data from security breaches; and
  - (d) Any quantifiable financial impact to the agency reporting a security breach.

➔Section 4. KRS 42.728 is amended to read as follows:

- (1) To accomplish the work of the Commonwealth Office of Technology, all organizational units and administrative bodies, as defined in KRS 12.010, and all members of the state postsecondary education system, as defined in KRS 164.001, shall furnish the Commonwealth Office of Technology necessary assistance, resources, information, records, and advice as required.
- (2) The provisions of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, **and** 186A.285~~[-, and 194A.146]~~ shall not be construed to grant any authority over the judicial or legislative branches of state government, or agencies thereof, to the Commonwealth Office of Technology.
- (3) The information, technology, personnel, agency resources, and confidential records of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System shall be excluded from the provisions of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, **and** 186A.285~~[-, and 194A.146]~~ and shall not be under the authority of the Commonwealth Office of Technology.

➔Section 5. KRS 61.8715 is amended to read as follows:

The General Assembly finds an essential relationship between the intent of this chapter and that of KRS 171.410 to 171.740, dealing with the management of public records, and of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, **and** 186A.285, ~~and 194A.146,~~ dealing with the coordination of strategic planning for computerized information systems in state government; and that to ensure the efficient administration of government and to provide accountability of government activities, public agencies are required to manage and maintain their records according to the requirements of these statutes. The General Assembly further recognizes that while all government agency records are public records for the purpose of their management, not all these records are required to be open to public access, as defined in this chapter, some being exempt under KRS 61.878.

➔Section 6. KRS 154.20-020 is amended to read as follows:

- (1) The secretary shall be authorized to commit the cabinet to any project or proposal, subject to approval of the committee as necessary except that any state incentive agreement requiring the participation of other agencies of state government shall require the concurrence of the board.
- (2) No project shall be funded in whole or part by the authority unless first approved by its committee pursuant to administrative regulations promulgated by the board in accordance with KRS Chapter 13A.
- (3) Lending decisions made by the authority shall be based, if possible, feasible, and not otherwise precluded by federal or state law, on utilizing state funds to leverage private sector investment.

~~[(4) The authority shall cooperate with the Cabinet for Health and Family Services in facilitation of KRS 194.245(1)(a).]~~

➔Section 7. KRS 194A.050 is amended to read as follows:

- (1) The secretary shall formulate, promote, establish, and execute policies, plans, and comprehensive programs and shall adopt, administer, and enforce throughout the Commonwealth all applicable state laws and all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. The secretary shall promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.
- (2) ~~[The secretary may utilize the Public Health Services Advisory Council to review and make recommendations on contemplated administrative regulations relating to initiatives of the Department for Public Health. No administrative regulations issued under the authority of the cabinet shall be filed with the Legislative Research Commission unless they are issued under the authority of the secretary, and the secretary shall not delegate that authority.]~~
- ~~(3)~~ Except as otherwise provided by law, the secretary shall have authority to establish by administrative regulation a schedule of reasonable fees, but in no event shall the total fees for permitting and inspection increase more than five percent (5%) per year, to cover the costs of annual inspections of efforts regarding compliance with program standards administered by the cabinet. All fees collected for inspections shall be deposited in the State Treasury and credited to a revolving fund account to be used for administration of those programs of the cabinet. The balance of the account shall lapse to the general fund at the end of each biennium. Fees shall not be charged for investigation of complaints.

➔Section 8. KRS 194A.180 is amended to read as follows:

All administrative regulations, acts, determinations, and decisions of and by the corporate bodies or instrumentalities of the Commonwealth, advisory committees, interstate compacts, or other statutory bodies, transferred in whole or in part to the ~~[Public Health Services Advisory Council and the]~~ Advisory Council for Medical Assistance, shall remain in effect as the administrative regulations, acts, determinations, and decisions of the cabinet unless duly modified or repealed by the secretary.

➔Section 9. KRS 194A.190 is amended to read as follows:

The ~~[Public Health Services Advisory Council, the]~~ Advisory Council for Medical Assistance~~, and the Institute for Aging]~~ shall be empowered to accept gifts and grants, but all of these moneys shall be administered by the cabinet, which shall administer these funds through appropriate trust and agency accounts.

➔Section 10. KRS 199.894 is amended to read as follows:

As used in KRS 199.892 to 199.896, unless the context otherwise requires:

- (1) "Cabinet" means the Cabinet for Health and Family Services;
- (2) "Secretary" means secretary for health and family services;
- (3) "Child-care center" means any child-care center ~~that [which]~~ provides full or part-time care, day or night, to **four (4) or more**~~[at least seven (7)]~~ children **in a nonresidential setting** who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator. "Child-care center" shall not include any child-care facility operated by a religious organization while religious services are being conducted, or a youth development agency. For the purposes of this section, "youth development agency"



means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which operates continuously throughout the year as an outside-school-hours center for youth who are six (6) years of age or older, and for which there are no fee or scheduled-care arrangements with the parent or guardian of the youth served;

- (4) "Department" means the Department for Community Based Services; and
- (5) "Family child-care home" means a private home that *is the primary residence of an individual who* provides full or part-time care day or night for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.

➔Section 11. KRS 199.896 is amended to read as follows:

- (1) No person, association, or organization shall conduct, operate, maintain, or advertise any child-care center without obtaining a license as provided in KRS 199.892 to 199.896.
- (2) The cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A relating to license fees and may establish standards of care and service for a child-care center, criteria for the denial of a license if criminal records indicate convictions that may impact the safety and security of children in care, and procedures for enforcement of penalties.
- (3) Each initial application for a license shall be made to the cabinet and shall be accompanied by a fee that shall not exceed administrative costs of the program to the cabinet and shall be renewable annually upon expiration and reapplication when accompanied by a renewal fee that shall not exceed administrative costs of the program to the cabinet. Regular licenses and renewals thereof shall expire one (1) year from their effective date.
- (4) No child-care center shall be refused a license or have its license revoked for failure to meet standards set by the secretary until after the expiration of a period not to exceed six (6) months from the date of the first official notice that the standards have not been met. If, however, the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125. All administrative hearings conducted under authority of KRS 199.892 to 199.896 shall be conducted in accordance with KRS Chapter 13B.
- (5) If, upon inspection or investigation, the inspector general finds that a child-care center licensed under this section has violated the administrative regulations, standards, or requirements of the cabinet, the inspector general shall issue a statement of deficiency to the center containing:
  - (a) A statement of fact;
  - (b) A statement of how an administrative regulation, standard, or requirement of the cabinet was violated; and
  - (c) The timeframe, negotiated with the child-care center, within which a violation is to be corrected, except that a violation that poses an immediate threat to the health, safety, or welfare of children in the center shall be corrected in no event later than five (5) working days from the date of the statement of deficiency.
- (6) The Cabinet for Health and Family Services, in consultation with the Office of the Inspector General, shall establish by administrative regulations promulgated in accordance with KRS Chapter 13A an informal dispute resolution process ~~[containing at least two (2) separate levels of review]~~ through which a child-care provider may dispute licensure deficiencies that have an adverse effect on the child-care provider's license.
- (7) A child-care center shall have the right to appeal to the Cabinet for Health and Family Services under KRS Chapter 13B any action adverse to its license or the assessment of a civil penalty issued by the inspector general as the result of a violation contained in a statement of deficiency within twenty (20) days of the issuance of the action or assessment of the civil penalty. An appeal shall not act to stay the correction of a violation.
- (8) In assessing the civil penalty to be levied against a child-care center for a violation contained in a statement of deficiency issued under this section, the inspector general or the inspector general's designee shall take into consideration the following factors:
  - (a) The gravity of the threat to the health, safety, or welfare of children posed by the violation;
  - (b) The number and type of previous violations of the child-care center;
  - (c) The reasonable diligence exercised by the child-care center and efforts to correct the violation; and

- (d) The amount of assessment necessary to assure immediate and continued compliance.
- (9) Upon a child-care center's failure to take action to correct a violation of the administrative regulations, standards, or requirements of the cabinet contained in a statement of deficiency, or at any time when the operation of a child-care center poses an immediate threat to the health, safety, or welfare of children in the center, and the child-care center continues to operate after the cabinet has taken emergency action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee shall take at least one (1) of the following actions against the center:
  - (a) Institute proceedings to obtain an order compelling compliance with the administrative regulations, standards, and requirements of the cabinet;
  - (b) Institute injunctive proceedings in Circuit Court to terminate the operation of the center;
  - (c) Institute action to discontinue payment of child-care subsidies; or
  - (d) Suspend or revoke the license or impose other penalties provided by law.
- (10) Upon request of any person, the cabinet shall provide information regarding the denial, revocation, suspension, or violation of any type of child-care center license of the operator. Identifying information regarding children and their families shall remain confidential.
- (11) The cabinet shall provide, upon request, public information regarding the inspections of and the plans of correction for the child-care center within the past year. All information distributed by the cabinet under this subsection shall include a statement indicating that the reports as provided under this subsection from the past five (5) years are available from the child-care center upon the parent's, custodian's, guardian's, or other interested person's request.
- (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and certification applications shall be paid into the State Treasury and credited to a special fund for the purpose of administering KRS 199.892 to 199.896 including the payment of expenses of and to the participants in child-care workshops. The funds collected are hereby appropriated for the use of the cabinet. The balance of the special fund shall lapse to the general fund at the end of each biennium.
- (13) Any advertisement for child-care services shall include the address of where the service is being provided.
- (14) All inspections of licensed and unlicensed child-care centers by the Cabinet for Health and Family Services shall be unannounced.
- (15) All employees and owners of a child-care center who provide care to children shall demonstrate within the first three (3) months of employment completion of at least a total of six (6) hours of orientation in the following areas:
  - (a) Basic health, safety, and sanitation;
  - (b) Recognizing and reporting child abuse; and
  - (c) Developmentally appropriate child-care practice.
- (16) All employees and owners of a child-care center who provide care to children shall annually demonstrate to the department completion of at least six (6) hours of training in child development. These hours shall include but are not limited to one and one-half (1.5) hours one (1) time every five (5) years of continuing education in the recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020. 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 head trauma approved by the secretary of the Cabinet for Health and Family Services. The one and one-half (1.5) hours required under this section shall be included in the current number of required continuing education hours.
- (17) The Cabinet for Health and Family Services shall make available either through the development or approval of a model training curriculum and training materials, including video instructional materials, to cover the areas specified in subsection (15) of this section. The cabinet shall develop or approve the model training curriculum and training materials to cover the areas specified in subsection (15) of this section.
- (18) Child-care centers licensed pursuant to this section and family child-care homes certified pursuant to KRS 199.8982 shall not use corporal physical discipline, including the use of spanking, shaking, or paddling, as a means of punishment, discipline, behavior modification, or for any other reason. For the purposes of this

section, "corporal physical discipline" means the deliberate infliction of physical pain and does not include spontaneous physical contact ~~that[which]~~ is intended to protect a child from immediate danger.

- (19) Child-care centers that provide instructional and educational programs for preschool-aged children that operate for a maximum of twenty (20) hours per week and ~~that[which]~~ a child attends for no more than fifteen (15) hours per week shall:
- (a) Notify the cabinet in writing that the center is operating;
  - (b) Meet all child-care center licensure requirements and administrative regulations related to employee background checks;
  - (c) Meet all child-care center licensure requirements and administrative regulations related to tuberculosis screenings; and
  - (d) Be exempt from all other child-care center licensure requirements and administrative regulations.
- (20) Child-care centers that provide instructional and educational programs for preschool-aged children that operate for a maximum of twenty (20) hours per week and ~~that[which]~~ a child attends for no more than ten (10) hours per week shall be exempt from all child-care licensure requirements and administrative regulations.
- (21) ***Instructional programs for school-age children shall be exempt from all child-care licensure administrative regulations if the following criteria are met:***
- (a) ***The program provides direct instruction in a single skill, talent, ability, expertise, or proficiency;***
  - (b) ***The program does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;***
  - (c) ***The program operates outside the time period when school is in session, including before or after school hours, holidays, school breaks, teaching planning days, or summer vacation;***
  - (d) ***The program does not advertise or otherwise represent that the program is a licensed child-care center or that the program offers child-care services;***
  - (e) ***The program informs the parent or guardian:***
    - 1. ***That the program is not licensed by the cabinet; and***
    - 2. ***About the physical risks a child may face while participating in the program; and***
  - (f) ***The program conducts the following background checks for all program employees and volunteers who work with children:***
    - 1. ***Check of the child abuse and neglect records maintained by the cabinet; and***
    - 2. ***In-state criminal background information check from the Justice and Public Safety Cabinet or Administrative Office of the Courts.***
- (22) Directors and employees of child-care centers in a position that involves supervisory or disciplinary power over a minor, or direct contact with a minor, shall submit to a criminal record check in accordance with KRS 199.8965.
- ~~(23)~~~~(22)~~ A director or employee of a child-care center may be employed on a probationary status pending receipt of the criminal background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.
- ➔Section 12. KRS 202A.422 is amended to read as follows:
- (1) An adult may execute an advance directive for mental health treatment that includes one (1) or more of the following:
- (a) Refusal of specific psychotropic medications, but not an entire class of psychotropic medications. This refusal may be due to factors that include but are not limited to their lack of efficacy, known drug sensitivity, or previous experience of adverse reactions;
  - (b) Refusal of electric shock therapy (ECT);
  - (c) Stated preferences for psychotropic medications;
  - (d) Stated preferences for procedures for emergency interventions; and

- (e) Provision of information in any area specified by the grantor.
- (2) The execution of an advance directive shall be complete when signed by the grantor and:
  - (a) Signed by two (2) adult witnesses who attest that the grantor:
    - 1. Is known to them;
    - 2. Signed the advance directive in their presence; and
    - 3. Did not appear to be under duress, fraud, or undue influence; or
  - (b) Acknowledged before a notary public or other person authorized to administer oaths.
- (3) The following persons shall not serve as a witness, a notary public, or other person authorized to administer oaths to the signing of an advance directive:
  - (a) The grantor's current health care provider or a relative of the current health care provider; and
  - (b) An owner, operator, employee, or relative of an owner or operator of a health facility in which the grantor is a client or resident, ***unless the owner, operator, employee, or relative serves as a notary public.***
- (4) An advance directive shall not override the grantor's right under federal and state law to refuse treatment.
- (5) The grantor or the surrogate of the grantor shall be responsible for providing a copy of the advance directive to the grantor's health care provider and health care facility where the grantor is a patient.
- (6) An advance directive for mental health treatment shall be honored in any setting, except a hospital emergency room or a hospital emergency department, that is required to honor advance directives under Title XVIII or Title XIX of the Federal Social Security Act.
- (7) A health care provider, health care facility, surrogate, or other responsible party shall not be subject to criminal prosecution or civil liability if acting in agreement with an advance directive for mental health treatment executed in accordance with KRS 202A.420 to 202A.432 or if acting in good faith without knowledge of the existence or revocation of an advance directive.

➔Section 13. KRS 205.178 is amended to read as follows:

- (1) At a regularly scheduled interval, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information from the Kentucky Lottery Corporation concerning individuals enrolled as recipients in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, including but not limited to changes in income or resources.
- (2) On at least a monthly basis, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information from the Vital Statistics Branch concerning individuals enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility.
- (3) On at least a quarterly basis, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information from the Kentucky Office of Unemployment Insurance concerning individuals enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, including but not limited to changes in employment or wages.
- (4) On at least a quarterly basis, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information concerning individuals enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, including but not limited to potential changes in residency as identified by out-of-state electronic benefit transfer transactions.
- (5)
  - (a) Notwithstanding any other provision of law to the contrary, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall enter into a memorandum of understanding with any department, agency, or division for information detailed in this section.
  - (b) Notwithstanding any other provision of law to the contrary, any department, agency, or division for information detailed in this section, including but not limited to the Kentucky Lottery Corporation, the

Vital Statistics Branch, the Office of Unemployment Insurance, and the Department for Community Based Services, shall enter into any necessary memoranda of understanding with the enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program requesting an agreement pursuant to paragraph (a) of this subsection.

- (6) Each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet may contract with one (1) or more independent vendors to provide additional data or information ~~that~~<sup>which</sup> may indicate a change in circumstances that may affect eligibility.
- (7) Each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall explore joining any multistate cooperative to identify individuals who are also enrolled in public assistance programs outside of this state.
- (8) If an enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet receives information concerning an individual enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, the enrollment or benefit tracking agency or other appropriate agency shall review the individual's case.
- (9) The food stamps program of the cabinet shall not seek, apply for, accept, or renew any waiver of requirements established under 7 U.S.C. sec. 2015(o) unless there is an economic downturn resulting in an unemployment rate of ten percent (10%) or more or the Cabinet for Health and Family Services determines an increase in the unemployment rate in any particular county is severe enough to necessitate a waiver.
- (10) The cabinet shall promulgate all rules and regulations necessary for the purposes of carrying out this section.
- (11) **Upon request**~~[On or before December 1 of each year]~~, the Cabinet for Health and Family Services shall submit a report relating to the number of individuals discovered utilizing services inappropriately, the number of individuals who were removed from one (1) or more public assistance programs as a result of a review pursuant to this section, and the amount of public funds preserved in total and by public assistance program and aggregated by prior years.~~[This report shall be forwarded to the Interim Joint Committees on Health and Welfare and Family Services and Appropriations and Revenue of the Legislative Research Commission.]~~

➔ Section 14. KRS 205.201 is amended to read as follows:

The duties of the Cabinet for Health and Family Services shall be to:

- (1) Promote and aid in the establishment of local programs and services for the aging;
- (2) Conduct programs to educate the public as to problems of the aging;
- (3) Review existing state programs and services for the aging and to make recommendations to the Governor, to the appropriate department and agencies of the state, and to the legislature for improvements in and additions to such programs and services;
- (4) Assist and encourage governmental and private agencies to coordinate their efforts on behalf of the aging;
- (5) Conduct and encourage other organizations to conduct studies concerning the aging;
- (6) Establish, in selected areas and communities of the state, programs of services for the aging to demonstrate the value of such programs, and to encourage local agencies to continue the programs and to create new services where needed. Emphasis shall be given to services designed to foster continued participation of older people in family and community life and to lessen the need for institutional care;
- (7) Provide services designed to meet the needs of the minority elderly in programs administered by the cabinet;
- (8) The cabinet shall solicit and consider the input of individuals and organizations representing the concerns of the minority elderly population as relates to:
  - (a) Programs and services needed by the minority elderly;
  - (b) The extent to which existing programs do not meet the needs of the minority elderly;
  - (c) The accessibility of existing programs to the minority elderly;
  - (d) The availability and adequacy of information regarding existing services;
  - (e) Health problems the minority elderly experience at a higher rate than the nonminority elderly population; and
  - (f) Financial, social, and other barriers experienced by the minority elderly in obtaining services;

- (9) Conduct an outreach program that provides information to minority elderly Kentuckians about health and social problems experienced by minority elderly persons and available programs to address those problems~~as identified in the report prepared pursuant to subsection (7) of this section~~; and
- (10) Cooperate with the federal government and with the governments of other states in programs relating to the aging.

➔Section 15. KRS 209.552 is amended to read as follows:

- (1) Every long-term care facility shall require residents to be immunized against pneumococcal disease and influenza. Upon admission, the long-term care facility shall:
  - (a) Notify the resident of the requirements of this section and request that the resident agree to be immunized against pneumococcal disease and influenza virus;
  - (b) Assess the resident's immunization status for influenza virus and pneumococcal disease;
  - (c) Counsel each resident on the risks of influenza and pneumococcal disease; the efficacy, side effects, and contraindications of these immunizations; and the recommendations of the Centers for Disease Control prior to administration of the vaccines; and
  - (d) Provide or arrange for immunizations against pneumococcal and influenza in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated, if the resident or long-term care facility does not have documentation of the immunization.
- (2) Every long-term care facility shall document ~~the annual~~ immunization against influenza virus ***every influenza season, by October 15 or upon admission, whichever comes later,*** and pneumococcal immunization for each resident. Upon finding that a resident lacks either of these immunizations, the facility shall provide or arrange for the immunization in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated.
- (3) Every long-term care facility shall require each employee, ***regardless of employment status,*** to be immunized against pneumococcal and influenza virus. Upon employment, the long-term care facility shall:
  - (a) Notify the employee of the requirements of this section and request that the employee agree to be immunized against pneumococcal disease and influenza virus;
  - (b) Assess the employee's immunization status for influenza virus and pneumococcal disease;
  - (c) Counsel each employee on the risks of influenza and pneumococcal disease; the efficacy, side effects, and contraindications of these immunizations; and the recommendations of the Centers for Disease Control prior to administration of the vaccines; and
  - (d) Provide or arrange for immunizations against pneumococcal and influenza in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated, if the employee or the long-term care facility does not have documentation of the appropriate immunizations.
- (4) Every long-term care facility shall document ~~the annual~~ immunization against influenza virus ***every influenza season, by October 15 or upon employment, whichever comes later,*** and pneumococcal immunization for each employee. Upon finding that an employee lacks either of these immunizations, the facility shall provide or arrange for immunization in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, unless medically contraindicated.
- (5) The provisions of this section shall not apply if:
  - (a) The vaccine is medically contraindicated;
  - (b) The employee, resident, or resident's legal guardian objects to the immunizations due to religious beliefs; or
  - (c) The employee or resident refuses the vaccine after being fully informed of the health risks.

➔Section 16. KRS 209.554 is amended to read as follows:

- (1) The commissioner of the department shall implement the provisions of KRS 209.550 to 209.554 through the promulgation of administrative regulations under KRS Chapter 13A.

- (2) The department shall make educational literature that describes the risks of influenza and pneumococcal disease; the efficacy, side effects, and contraindications of these immunizations; and the recommendations from the Centers for Disease Control available to every long-term care facility.
- (3) ~~{The department, on behalf of long-term care facilities, shall negotiate with any appropriate manufacturer of the vaccines for adult pneumococcal disease and influenza for a purchase price of the vaccines. Long-term care facilities shall be entitled to purchase the vaccines at the negotiated price for the purposes specified under KRS 209.552.}~~
- ~~(4) {The commissioner of the department shall make available upon request the number of outbreaks in long-term care facilities for each year due to influenza virus and pneumococcal disease and the number of hospitalizations of long-term care facility residents due to influenza virus, pneumococcal disease, and associated complications.}~~

➔Section 17. KRS 210.575 is amended to read as follows:

- (1) There is created the Kentucky Commission on Services and Supports for Individuals with an Intellectual Disability and Other Developmental Disabilities. The commission shall consist of:
  - (a) The secretary *or designee* of the Cabinet for Health and Family Services;
  - (b) The commissioner *or designee* of the Department for Behavioral Health, Developmental and Intellectual Disabilities;
  - (c) The commissioner *or designee* of the Department for Medicaid Services;
  - (d) ***The commissioner or designee of the Department of Education;***
  - (e) The executive director of the Office of Vocational Rehabilitation;
  - ~~(f){(e)}~~ The director of the University Affiliated Program at the Interdisciplinary Human Development Institute of the University of Kentucky;
  - ~~(g){(f)}~~ The director of the Kentucky Council on Developmental Disabilities;
  - ~~(h){(g)}~~ Two (2) members of the House of Representatives, appointed by the Speaker of the House;
  - ~~(i){(h)}~~ Two (2) members of the Senate, appointed by the Senate President; and
  - ~~(j){(i)}~~ Public members, appointed by the Governor as follows:
    1. ***One (1) member representing families of a child with an intellectual or other developmental disability residing in the home of the family member***~~{Five (5) family members, at least one (1) of whom shall be a member of a family with a child with an intellectual disability or other developmental disabilities, and one (1) of whom shall be a member of a family with an adult with an intellectual disability or other developmental disabilities. Of these five (5) family members, at least two (2) shall be members of a family with an individual with an intellectual disability or other developmental disabilities residing in the home of the family member or in a community-based setting, and at least two (2) shall be members of a family with an individual with an intellectual disability or other mental disabilities residing in an institutional residential facility that provides service to individuals with an intellectual disability or other developmental disabilities};~~
    2. ***One (1) member representing families of an adult with an intellectual or other developmental disability residing in the home of the family member;***
    3. ***One (1) member representing families of an adult with an intellectual or other developmental disability residing in a community-based setting;***
    4. ***One (1) member representing families of an individual with an intellectual or other developmental disability residing in an institutional residential facility that provides services to individuals with intellectual disabilities;***
    5. Three (3) persons with ~~an~~ intellectual ~~disability~~ or other developmental disabilities;
    - 6.~~{3-}~~ Two (2) business leaders;

7.~~4.~~ *Two (2) providers of intellectual or other developmental disability services*~~Three (3) direct service providers representing the Kentucky Association of Regional Programs and the Kentucky Association of Residential Resources;~~~~and~~

8.~~5.~~ *One (1) provider of intellectual or other developmental disability services that is a regional community program for mental health or individuals with an intellectual disability established pursuant to KRS 210.370; and*

9. One (1) representative of a statewide advocacy *organization providing education and outreach on topics associated with intellectual and other developmental disabilities*~~group~~.

The *thirteen (13)*~~six (6)~~ appointments made under ~~subparagraphs 1. and 2. of~~ this paragraph shall be chosen to reflect representation from each of Kentucky's six (6) congressional districts.

- (2) The secretary of the Cabinet for Health and Family Services ~~may~~~~shall~~ serve as chair of the commission *or the secretary may appoint his or her designee, the commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, or the commissioner's designee to serve as chair.*
- (3) Members defined in subsection (1)(a) to ~~(i)~~~~(h)~~ of this section shall serve during their terms of office. All public members appointed by the Governor shall serve a four (4) year term and may be reappointed for one (1) additional four (4) year term.
- (4) *The members appointed by the Governor shall serve until their successors are appointed and qualified.*
- (5) *Members appointed by the Governor to fulfil a vacated position shall serve the remainder of that position's term and may be reappointed for a four (4) year term.*
- (6) *Members described in subsection (1)(h) and (i) of this section who fail to attend fifty percent (50%) of commission meetings in a fiscal year may be recommended to the Speaker of the House or the Senate President for replacement with new members.*
- (7) *Members appointed under subsection (1)(j) of this section shall provide advance notice, on a meeting-by-meeting basis, to the person designated by the commission chair if the member will be sending a representative.*
- (8) *Members appointed under subsection (1)(j) of this section who fail to attend fifty percent (50%) of the commission meetings in a fiscal year may be recommended to the Governor for replacement with a new member.*
- (9) *Members appointed under subsection (1)(j) of this section who send representatives for greater than fifty percent (50%) of the commission meetings in a fiscal year may be recommended to the Governor for replacement with a new member.*
- (10) All public members of the commission shall receive twenty-five dollars (\$25) per day for attending each *regularly scheduled* meeting *or any special meeting called by the chair*. All commission members shall be reimbursed for necessary travel and other expenses actually incurred in the discharge of duties of the commission.

➔Section 18. KRS 210.577 is amended to read as follows:

- (1) The commission created in KRS 210.575 shall meet at least quarterly or upon the call of the chair, the request of four (4) or more members, or the request of the Governor.
- (2) The commission shall serve in an advisory capacity to accomplish the following:
  - (a) Advise the Governor and the General Assembly concerning the needs of persons with ~~an~~ intellectual *or*~~disability and~~ other developmental disabilities;
  - (b) Develop a statewide strategy to increase *the quality and availability of* ~~access to~~ community-based services and supports for persons with ~~an~~ intellectual *or*~~disability and~~ other developmental disabilities~~. The strategy shall include:~~
    1. ~~Identification of funding needs and related fiscal impact;~~ and
    2. ~~Criteria that establish priority for services that consider timeliness and service needs;~~
  - ~~(c) Assess the need and potential utilization of specialized outpatient clinics for medical, dental, and special therapeutic services for persons with an intellectual disability and other developmental disabilities;~~



- (d) ~~Evaluate the effectiveness of state agencies and public and private service providers, including nonprofit and for profit service providers, in:~~
  - 1. ~~dissemination of information and education;~~
  - 2. ~~Providing outcome oriented services; and~~
  - 3. ~~Efficiently utilizing available resources, including blended funding streams;~~
- (e)(c) ~~Review~~ **Develop a recommended comprehensive ten (10) year plan for placement of qualified persons in the most integrated setting appropriate to their needs;**
- (f) ~~Recommend an effective~~ **quality assurance and consumer satisfaction *data annually and submit recommendations that address areas of need to the Cabinet for Health and Family Services*** ~~monitoring program that includes recommendations as to the appropriate role of family members, persons with an intellectual disability and other developmental disabilities, and advocates in quality assurance efforts;~~
- (g) ~~Develop recommendations for the implementation of a self-determination model of funding services and supports as established under KRS 205.6317(1) for persons who are receiving services or supports under the Supports for Community Living Program as of June 24, 2003. The model shall include, but is not limited to, the following:~~
  - 1. ~~The ability to establish an individual rate or budget for each person;~~
  - 2. ~~Mechanisms to ensure that each participant has the support and assistance necessary to design and implement a package of services and supports unique to the individual;~~
  - 3. ~~The ability to arrange services, supports, and resources unique to each person based upon the preferences of the recipient; and~~
  - 4. ~~The design of a system of accountability for the use of public funds.~~
- ~~The chairperson of the commission shall appoint an ad hoc committee composed of commission members and other interested parties to develop the recommendations required by this paragraph; and~~
- (h) ~~Advise the Governor and the General Assembly on whether the recommendations should be implemented by administrative regulations or proposed legislation.~~
- (3) The commission shall ~~review the plan annually and shall~~ submit ***an annual*** ~~updates~~ ***report describing its work over the previous year, including recommendations submitted pursuant to subsection (2)(c) of this section,*** no later than ***December*** ~~October~~ 1 to the Governor and the Legislative Research Commission.

➔Section 19. KRS 211.1752 is amended to read as follows:

- (1) The Local Health Department Employment Personnel Council is hereby created. The council shall be composed of five (5) members appointed by the secretary for health and family services.
- (2) Members of the council shall serve for a term of three (3) years or until successors are appointed, except that for members of the initially appointed council, two (2) members shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years, and one (1) member shall be appointed for three (3) years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of the term.
- (3) The council shall elect a chairperson from its membership. Regular meetings of the council shall be held at least semiannually. Special meetings of the council may be held upon call of the chairperson or the department.
- (4) The council shall be attached to the department for administrative purposes.
- (5) The council shall:
  - (a) Advise the cabinet on administration of the local health department personnel program pursuant to KRS Chapter 212;
  - (b) ~~Hear appeals from:~~
    - 1. ~~Applicants for positions for which examinations are being or have been conducted;~~
    - 2. ~~Eligible applicants on examination registers; and~~

- ~~3. Classified employees who have been dismissed, demoted, or suspended for cause;~~
- ~~(e) Hear appeals regarding discrimination in a personnel action involving an agency employee or an applicant for employment;~~
- ~~(d) Make an annual report to the department and agency; and~~
- ~~(c)(e) Consider and act upon matters that may be referred to the council by the department.~~

➔Section 20. KRS 211.596 is amended to read as follows:

- (1) The Pediatric Cancer Research Trust Fund Board is hereby created for the purpose of administering and distributing funds from the trust created under KRS 211.595. The board shall be composed of **eighteen (18)**~~nine (9)~~ members to be appointed as follows:
- (a) A specialist in pediatric oncology nominated by Norton Children's Hospital to be appointed by the Governor;
  - (b) A specialist in pediatric oncology nominated by the University of Kentucky Children's Hospital to be appointed by the Governor;
  - (c) A representative nominated by Kentucky Chapters of the Leukemia and Lymphoma Society to be appointed by the Governor;
  - (d) A representative nominated by Kentucky offices of the American Cancer Society to be appointed by the Governor;
  - (e) Three (3) citizens, one (1) of whom shall be a pediatric cancer survivor, or parent thereof, to be appointed by the Governor ~~from a list of six (6) citizens nominated by Kentucky offices of the American Cancer Society~~;
  - (f) The secretary of the Cabinet for Health and Family Services, or the secretary's designee;~~and~~
  - (g) The commissioner of the Department for Public Health, or the commissioner's designee;
  - (h) A pediatric oncology social worker nominated by Norton Children's Hospital to be appointed by the Governor;*
  - (i) A pediatric oncology social worker nominated by the University of Kentucky Children's Hospital to be appointed by the Governor;*
  - (j) Two (2) school interventionists nominated by each pediatric oncology program to be appointed by the Governor;*
  - (k) A regional coordinator nominated by the Kentucky Cancer Registry to be appointed by the Governor;*
  - (l) A member of the University of Kentucky Dance Blue dance team or a successor entity to be appointed by the Governor;*
  - (m) A member of the University of Louisville Raise RED dance team or a successor entity to be appointed by the Governor; and*
  - (n) Two (2) citizens at large to be appointed by the Governor.*
- (2) The board shall be attached to the Cabinet for Health and Family Services for administrative purposes.
- (3) ~~The secretary of the Cabinet for Health and Family Services shall convene the first meeting of the board within sixty (60) days of June 24, 2015.~~
- ~~(4) Board members shall serve without compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their duties.~~
- ~~(4)(5)~~ The term of each appointed member shall be four (4) years **and until a successor is appointed and qualified, except that initial appointments under subsection (1)(h) to (n) of this section shall be as follows:**
- (a) Each dance team member appointed under subsection (1)(l) or (m) of this section shall serve a one (1) year term;*
  - (b) Two (2) of the members appointed under subsection (1)(h), (i), (j), (k), and (n) of this section shall serve two (2) year terms;*

- (c) *Two (2) of the members appointed under subsection (1)(h), (i), (j), (k), and (n) of this section shall serve three (3) year terms; and*
- (d) *Three (3) of the members appointed under subsection (1)(h), (i), (j), (k), and (n) of this section shall serve four (4) year terms.*

~~(5)(6) A member whose term has expired may continue to serve until a successor is appointed and qualifies. A member who is appointed to an unexpired term shall serve the rest of the term and until a successor is appointed and qualifies. A member may serve two (2) consecutive four (4) year terms and shall not be reappointed for four (4) years after the completion of those terms.~~

~~(7)~~ A majority of the full membership of the board shall constitute a quorum.

~~(6)(8)~~ ~~[At the first meeting,]~~ The board shall elect, by majority vote, a president who shall preside at all meetings and coordinate the functions and activities of the board. The president shall be elected or reelected each *biennium* ~~[calendar year thereafter]~~.

~~(7)(9)~~ The board shall meet at least two (2) times annually, but may meet more frequently, as deemed necessary, subject to call by the president or by request of a majority of the board members.

➔Section 21. KRS 213.011 is amended to read as follows:

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

- (1) ***"Abortion" means the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth. "Abortion" excludes management of prolonged retention of product of conception following fetal death;***
- (2) "Cabinet" means the Cabinet for Health and Family Services;
- ~~(3)(2)~~ "Dead body" means a human body or parts of the human body from the condition of which it reasonably may be concluded that death recently occurred;
- ~~(4)(3)~~ "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. This definition shall exclude ***abortion*** ~~[induced termination of pregnancy]~~;
- ~~(5)(4)~~ "File" means the presentation of a vital record provided for in this chapter for registration by the Vital Statistics Branch;
- ~~(6)(5)~~ "Final disposition" means the burial, interment, cremation, removal from the Commonwealth, or other authorized disposition of a dead body or fetus;
- ~~(6)~~ ~~"Induced termination of pregnancy" means the purposeful interruption of pregnancy with the intention other than to produce a live born infant or to remove a dead fetus and which does not result in a live birth. This definition shall exclude management of prolonged retention of product of conception following fetal death;~~
- (7) "Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment or nursing, custodial, or ***domiciliary*** ~~[domiciliary]~~ care, or to which persons are committed by law;
- (8) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy which, after the expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;
- (9) "Provisional death certificate" means an interim certificate identifying the deceased and authorizing a funeral director, or person acting as such, to take custody of the body and, except for cremation, to make final disposition;
- (10) "Registration" means the acceptance by the Vital Statistics Branch and the incorporation of vital records provided for in this chapter into its official records;
- (11) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records and the collection of other reports required by this chapter;
- (12) "Secretary" means the secretary for health and family services;

- (13) "Sudden infant death syndrome" means the death of an ostensibly healthy child who is two (2) weeks of age or older but less than three (3) years of age, which occurs suddenly and unexpectedly, with no known or apparent cause, and which remains unexplained after the performance of an autopsy;
- (14) "Vital records" means certificates or reports of birth, death, *stillbirth*~~[fetal death]~~, marriage, dissolution of marriage, or annulment, and data related thereto;
- (15) "Vital statistics" means the data derived from certificates and reports of birth, death, *stillbirth*, *abortion*~~[fetal death, induced termination of pregnancy]~~, marriage, dissolution of marriage, and related reports;
- (16) "Certificate" means the certificate of birth, death, *stillbirth*~~[fetal death]~~, marriage, dissolution of marriage, or annulment as required by this chapter;
- (17) "Office" means the Office for Children with Special Health Care Needs;
- (18) "Hard of hearing infant" means a child at birth with a significant hearing loss which prevents the acquisition of speech and language through normal channels; and
- (19) "Hearing risk certificate" means the certificate that includes questions which identify newborn babies with a higher risk than normal for hearing loss.

➔Section 22. KRS 213.031 is amended to read as follows:

The state registrar, under the supervision of the commissioner of health, shall:

- (1) Administer and enforce the provisions of this chapter and the administrative regulations issued hereunder; issue instructions for the efficient administration of the system of vital statistics; direct the system and Vital Statistics Branch and be custodian of its records; supervise the activities of all persons when they are engaged in the operation of the system; and conduct training programs to promote uniformity of the system's policy and procedures throughout the Commonwealth;
- (2) With the approval of the cabinet, design, furnish, and distribute forms required by this chapter and the administrative regulations issued hereunder, or prescribe other means for transmission of data to accomplish the purpose of complete and accurate reporting and registration;
- (3) ~~[Coordinate and maintain in accordance with administrative regulations promulgated pursuant to this subsection, a system by which a child's Social Security number is transferred by the Vital Statistics Branch to the Department of Education after receiving parental permission for the number to be used for planning and tracking purposes by the Department of Education, local school districts, and the office. The regulations, at a minimum, shall establish a process to allow a parent or guardian when completing a certificate of birth to request that a Social Security number be assigned the child and that the number be automatically transmitted to the Department of Education for student identification purposes;~~
- ~~(4)~~ Assist in preparing and publishing reports of vital statistics of the Commonwealth and other reports as required;
- ~~(4)~~~~(5)~~ Provide to local health departments copies of or data derived from certificates and reports required under this chapter. The state registrar shall establish a schedule with each local health department for transmittal of the copies or data. The copies shall remain the property of the Vital Statistics Branch, and the uses which may be made of them and the period of their retention in the county shall be governed by the state registrar;
- ~~(5)~~~~(6)~~ Prepare and maintain a complete continuous index of all vital records registered under this chapter and provide, at not more than two (2) year intervals, a copy of the index to each local registrar; and
- ~~(6)~~~~(7)~~ Investigate cases of irregularity or violation of this chapter and when the cabinet deems it necessary, report violations to the Commonwealth's attorney of the proper county for prosecution.

➔Section 23. KRS 213.036 is amended to read as follows:

- (1) Each county in the Commonwealth shall *carry*~~[constitute a registration district for the purposes of carrying]~~ out the provisions of this chapter.
- (2) The secretary *may*~~[shall]~~, upon the recommendation of the state registrar, designate a local registrar in each *county*~~[registration district]~~ to aid in the efficient administration of the system of vital statistics. The local registrar shall be an employee of the local health department. The designation may be revoked by the secretary.

- (3) The local ~~health department~~~~{registrar}~~ may designate one (1) or more employees of the local health department as deputy registrar. The local registrar may also appoint persons as deputy registrars who are not employees of the local health department if, in the opinion of the cabinet, the appointments are necessary. All appointments shall be subject to the approval of the state registrar.
- (4) The local registrar shall supply ~~the Office of Vital Statistics~~~~{blank}~~ forms ~~and instructions to persons responsible for the completion of the forms~~~~{of certificates to persons who require them. The local registrar shall carefully examine each certificate of birth or fetal death when presented for filing, to ensure the record has been properly completed. If the certificates are properly completed the local registrar shall sign as local registrar and attest to the date of filing. The local registrar shall also make a complete and accurate copy of each certificate to be filed and permanently preserved in the local registrar's office as the local record, in the manner directed by the Cabinet for Health and Family Services. When a birth or fetal death certificate filed with a local registrar indicates the residence of the mother or the deceased to be in another county, the registrar shall mail a copy of the certificate to the local registrar of the county of residence}.~~
- (5) The local ~~health department~~~~{registrar}~~ shall provide for ~~declaration~~~~{voluntary acknowledgment}~~ of paternity services ~~{in accordance with 42 U.S.C. secs. 651 et seq.,}~~ and transmit original certificates and affidavits of paternity to the Vital Statistics Branch as directed by the state registrar.

➔Section 24. KRS 213.041 is amended to read as follows:

- (1) In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of certificates and reports required by this chapter, or by administrative regulations adopted hereunder, shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics.
- (2) Each certificate, report, and other documents required by this chapter shall be on a form or in a format prescribed by the cabinet with due consideration for national uniformity.~~{All certificates shall be typewritten with the exception of required signatures which shall be written legibly in unfading black or blue ink.}~~
- (3) No certificate shall be held to be complete and correct that does not supply all items of information called for therein or satisfactorily account for their omission, except as provided in KRS 199.570(3). If a certificate is incomplete, the ~~state~~~~{local}~~ registrar shall immediately notify the responsible person and require that person to supply the missing items, if that information can be obtained.
- (4) All vital records shall contain the data required for registration.
- (5) No person shall charge or collect from any member of a family in which a birth or death occurs, any fee for completing and filing a report, or any other act or duty imposed upon them by this chapter.

➔Section 25. KRS 213.046 is amended to read as follows:

- (1) A certificate of birth for each live birth which occurs in the Commonwealth shall be filed with the ~~state~~~~{local}~~ registrar within ~~five (5) working~~~~{ten (10)}~~ days after such birth and shall be registered if it has been completed and filed in accordance with this section ~~and applicable administrative regulations.~~ ~~{All certificates shall be typewritten.}~~ No certificate shall be held to be complete and correct that does not supply all items of information called for in this section and in KRS 213.051, or satisfactorily account for their omission except as provided in KRS 199.570(3). If a certificate of birth is incomplete, the local registrar shall immediately notify the responsible person and require that person to supply the missing items, if that information can be obtained.
- (2) When a birth occurs in an institution or en route thereto, the person in charge of the institution or that person's designated representative, shall obtain the personal data, prepare the certificate, secure the signatures required, and file the certificate as directed in subsection (1) of this section or as otherwise directed by the state registrar within the required ~~five (5) working~~~~{ten (10)}~~ days. The physician or other person in attendance shall provide the medical information required for the certificate and certify to the fact of birth within ~~five (5) working~~~~{ten (10)}~~ days after the birth. If the physician or other person in attendance does not certify to the fact of birth within the ~~five (5) working~~~~{ten (10)}~~ day period, the person in charge of the institution shall complete and sign the certificate.
- (3) When a birth occurs in a hospital or en route thereto to a woman who is unmarried, the person in charge of the hospital or that person's designated representative shall immediately before or after the birth of a child, except when the mother or the alleged father is a minor:
  - (a) Meet with the mother prior to the release from the hospital;
  - (b) Attempt to ascertain whether the father of the child is available in the hospital, and, if so, to meet with him, if possible;

- (c) Provide written materials and oral, audio, or video materials about paternity;
- (d) Provide *the unmarried mother, and, if possible, the father, with the voluntary paternity form*~~{forms}~~ necessary to voluntarily establish paternity;
- (e) Provide a written and an oral, audio, or video description of the rights and responsibilities, the alternatives to, and the legal consequences of acknowledging paternity;
- (f) Provide written materials and information concerning genetic paternity testing;
- (g) Provide an opportunity to speak by telephone or in person with staff who are trained to clarify information and answer questions about paternity establishment;
- (h) If the parents wish to acknowledge paternity, require the voluntary acknowledgment of paternity obtained through the hospital-based program be signed by both parents and be authenticated by a notary public;
- (i) ~~{Provide the unmarried mother, and, if possible, the father, with the affidavit of paternity form;~~
- ~~{j}~~ Upon both the mother's and father's request, help the mother and father in completing the affidavit of paternity form;
- ~~{j}{k}~~ Upon both the mother's and father's request, transmit the affidavit of paternity to the *state*~~{local}~~ registrar~~{in the county in which the birth occurred}~~; and
- ~~{k}{l}~~ In the event that the mother or the alleged father is a minor, information set forth in this section shall be provided in accordance with Civil Rule 17.03 of the Kentucky Rules of Civil Procedure.

If the mother or the alleged father is a minor, the paternity determination shall be conducted pursuant to KRS Chapter 406.

- (4) The voluntary acknowledgment ~~{of }~~paternity *and declaration of paternity* forms designated by the Vital Statistics Branch shall be the only documents having the same weight and authority as a judgment of paternity.
- (5) The Cabinet for Health and Family Services shall:
  - (a) Provide to all public and private birthing hospitals in the state written materials in accessible formats and audio or video materials concerning paternity establishment forms necessary to voluntarily acknowledge paternity;
  - (b) Provide copies of a written description in accessible formats and an audio or video description of the rights and responsibilities of acknowledging paternity; and
  - (c) Provide staff training, guidance, and written instructions regarding voluntary acknowledgment of paternity as necessary to operate the hospital-based program.
- (6) When a birth occurs outside an institution, *verification of the birth shall be in accordance with the requirements of the state registrar and a birth*~~{the}~~ certificate shall be prepared and filed by one (1) of the following in the indicated order of priority:
  - (a) The physician in attendance at or immediately after the birth; or, in the absence of such a person;~~{;}~~
  - (b) *A midwife or* any other person in attendance at or immediately after the birth; or, in the absence of such a person; *or*~~{;}~~
  - (c) The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred or of the institution to which the child was admitted following the birth.
- (7) No physician, midwife, or other attendant shall refuse to sign or delay the filing of a birth certificate.
- (8) If a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in the Commonwealth, the birth shall be registered in the Commonwealth, and the place where the child is first removed shall be considered the place of birth. If a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in the Commonwealth, the birth shall be registered in the Commonwealth, but the certificate shall show the actual place of birth insofar as can be determined.
- (9) The following provisions shall apply if the mother was married at the time of either conception or birth or anytime between conception and birth:

- (a) If there is no dispute as to paternity, the name of the husband shall be entered on the certificate as the father of the child. The surname of the child shall be any name chosen by the parents; however, if the parents are separated or divorced at the time of the child's birth, the choice of surname rests with the parent who has legal custody following birth.
  - (b) If the mother claims that the father of the child is not her husband and the husband agrees to such a claim and the putative father agrees to the statement, a three (3) way affidavit of paternity may be signed by the respective parties and duly notarized. The state registrar of vital statistics shall enter the name of a nonhusband on the birth certificate as the father and the surname of the child shall be any name chosen by the mother.
  - (c) If a question of paternity determination arises which is not resolved under paragraph (b) of this subsection, it shall be settled by the District Court.
- (10) The following provisions shall apply if the mother was not married at the time of either conception or birth or between conception and birth or the marital relationship between the mother and her husband has been interrupted for more than ten (10) months prior to the birth of the child:
- (a) The name of the father shall not be entered on the certificate of birth. The state registrar shall upon acknowledgment of paternity by the father and with consent of the mother pursuant to KRS 213.121, enter the father's name on the certificate. The surname of the child shall be any name chosen by the mother and father. If there is no agreement, the child's surname shall be determined by the parent with legal custody of the child.
  - (b) If an affidavit of paternity has been properly completed and the certificate of birth has been filed accordingly, any further modification of the birth certificate regarding the paternity of the child shall require an order from the District Court.
  - (c) In any case in which paternity of a child is determined by a court order, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.
  - (d) In all other cases, the surname of the child shall be any name chosen by the mother.
- (11) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate. In all cases, the maiden name of the gestational mother shall be entered on the certificate.
- (12) Any child whose surname was restricted prior to July 13, 1990, shall be entitled to apply to the state registrar for an amendment of a birth certificate showing as the surname of the child, any surname chosen by the mother or parents as provided under this section.
- (13) The birth certificate of a child born as a result of artificial insemination shall be completed in accordance with the provisions of this section.
- (14) Each birth certificate filed under this section shall include all Social Security numbers that have been issued to the parents of the child.
- (15) Either of the parents of the child, or other informant, shall attest to the accuracy of the personal data entered on the certificate in time to permit the filing of the certificate within ten (10) days prescribed in subsection (1) of this section.
- (16) When a birth certificate is filed for any birth that occurred outside an institution, the Cabinet for Health and Family Services shall forward information regarding the need for an auditory screening for an infant and a list of options available for obtaining an auditory screening for an infant. The list shall include the Office for Children with Special Health Care Needs, local health departments as established in KRS Chapter 212, hospitals offering obstetric services, alternative birthing centers required to provide an auditory screening under KRS 216.2970, audiological assessment and diagnostic centers approved by the Office for Children with Special Health Care Needs in accordance with KRS 211.647 and licensed audiologists, and shall specify the hearing methods approved by the Office for Children with Special Health Care Needs in accordance with KRS 216.2970.

➔Section 26. KRS 213.047 is amended to read as follows:

The Cabinet for Health and Family Services shall pay the sum of ten dollars (\$10) to an institution *or local health department* for each completed affidavit-of-paternity form returned to the ~~state health~~ registrar by the institution *or*

**local health department**, pursuant to KRS 213.046, limited to the appropriated funds for the purpose of KRS 213.046.

➔Section 27. KRS 213.051 is amended to read as follows:

- (1) The person who assumes the custody of a live-born infant of unknown parentage shall report on a form and in a manner prescribed by the state registrar within **five (5) working**~~ten (10)~~ days to the Cabinet for Health and Family Services the following information:
  - (a) The date and place of finding;
  - (b) Sex~~[-color or race,-]~~ and approximate birth date of child;
  - (c) Name and address of the person or institution with which the child has been placed for care;
  - (d) Name given to the child by the custodian of the child; and
  - (e) Other data as required by the state registrar to complete a birth certificate.
- (2) The place where the child was found shall be entered as the place of birth.
- (3) A report registered under this section shall constitute the certificate of birth for the child.
- (4) If the child is identified and a certificate of birth is found or obtained, the report registered under this section shall be placed in a special file and shall not be subject to inspection except upon order of a Circuit Court.

➔Section 28. KRS 213.071 is amended to read as follows:

- (1) The state registrar shall establish a new certificate of birth for a person born in the Commonwealth when the state registrar receives the following:
  - (a) A report of adoption as provided in KRS 213.066 or a report of adoption prepared and filed in accordance with the laws of another state or foreign country or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; or
  - (b) A request that a new certificate be established as prescribed by administrative regulation and the evidence as required by administrative regulation proving that the person has been legitimated, or that a court of competent jurisdiction has determined the paternity of the person, or that both parents have acknowledged the paternity of the person in which case the surname of the child shall be changed in accordance with KRS 213.046.
- (2) If paternity is determined in a court action, the clerk shall report the findings of the court to the state registrar on forms prescribed and furnished for that purpose. The reports shall be made no later than the fifteenth of the month following the date of the order.
- (3) If a new certificate is established, the actual place and date of birth shall be shown except in the case of adoption. If the adopted child is under eighteen (18) years of age, the birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the natural parent or parents of the child. The new birth certificate, when issued, shall not contain the place of birth, hospital, or name of the doctor or midwife. This information shall be given only by an order of the court in which the child was adopted. If the child was born in the Commonwealth, the new birth certificate shall show the residence of the adoptive parents as the birthplace of the child, and this shall be deemed for all legal purposes to be the birthplace of the child.
- (4) The new certificate shall be substituted for the original certificate of birth in the files, and the original certificate of birth and the evidence of adoption, paternity determination, or paternity acknowledgment shall not be subject to inspection except upon order of a court of competent jurisdiction.
- (5) If any judgment under this section is reversed, amended, modified, or vacated in any particular, the clerk of the court shall notify the state registrar of the reversal or modification, and the state registrar shall make the changes, if any, in the records as may be necessary by the reversal or modification, or if the voluntary acknowledgment of paternity pursuant to KRS 213.046(4) is rescinded, the state registrar shall make the changes, if any, in the records as may be necessary by the reversal, modification, or rescission of the voluntary acknowledgment of paternity.



- (6) If a new certificate of birth is established by the state registrar, all copies of the original certificate of birth on file ~~[in the local health department]~~ shall be sealed ~~[and forwarded to the state registrar as the state registrar shall direct]~~.
- (7) If no birth certificate is on file for an adopted child born in Kentucky, the state registrar shall prepare a certificate of birth in accordance with information furnished by the clerk of the Circuit Court which issued the adoption order. The state registrar shall furnish the clerks of the Circuit Courts the necessary forms to carry out the provisions of this section.

➔Section 29. 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, 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, 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.
- ~~(7)(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).
- ~~(8)(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.

- ~~(9)(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.
- ~~(10)(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.
- ~~(11)(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.
- ~~(12)(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 30. KRS 213.096 is amended to read as follows:

- (1) Each fetal death of twenty (20) completed weeks' gestation or more, calculated from the date last normal menstrual period began to the date of delivery or in which the fetus weighs three hundred fifty (350) grams or more, which occurs in the Commonwealth, shall be reported on a combination birth-death *or stillbirth* certificate in accordance with applicable provisions of KRS 213.046 and KRS 213.076. If the fetal death occurs in a hospital, the person in charge of the institution or the person's designated representative shall complete the *stillbirth* certificate, obtain the medical certification, and file the certificate with the ~~state~~*local* registrar.
- (2) The name of the father shall be entered on the *stillbirth certificate*~~fetal death report~~ in accordance with the provisions of KRS 213.046.
- (3) All *abortions*~~induced terminations of pregnancy~~ shall be reported in the manner prescribed in KRS 213.101 and shall not be reported as *stillbirths*~~fetal deaths~~.

➔Section 31. KRS 213.101 is amended to read as follows:

- (1) (a) Each abortion as defined in *Section 21 of this Act*~~KRS 311.720~~ which occurs in the Commonwealth, regardless of the length of gestation, shall be reported to the Vital Statistics Branch by the person in charge of the institution within fifteen (15) days after the end of the month in which the abortion occurred. If the abortion was performed outside an institution, the attending physician shall prepare and file the report within fifteen (15) days after the end of the month in which the abortion occurred.
- (b) The report shall include all the information the physician is required to certify in writing or determine under KRS 311.731, 311.7704, 311.7705, 311.7706, 311.7707, 311.774, 311.782, and 311.783, but shall not include information which will identify the physician, woman, or man involved.
- (c) If a person other than the physician described in this subsection makes or maintains a record required by KRS 311.7704, 311.7705, 311.7706, or 311.7707 on the physician's behalf of at the physician's direction, that person shall comply with the reporting requirement described in this subsection as if the person were the physician.
- (2) Each prescription issued for RU-486, cytotec, pitocin, mifeprex, misoprostol, or any other drug or combination of drugs for which the primary indication is the induction of abortion as defined in *Section 21 of this Act*~~KRS 311.720~~ shall be reported to the Vital Statistics Branch within fifteen (15) days after the end of the month in which the prescription was issued as required by KRS 311.774, but the report shall not include information which will identify the woman involved or anyone who may be picking up the prescription on behalf of the woman.

- (3) The name of the person completing the report and the reporting institution shall not be subject to disclosure under KRS 61.870 to 61.884.
- (4) By September 30 of each year, the Vital Statistics Branch shall issue a public report that provides statistics on all data collected, including the type of abortion procedure used, for the previous calendar year compiled from all of the reports covering that calendar year submitted to the cabinet in accordance with this section for each of the items listed in subsections (1) and (2) of this section. Each annual report shall also provide statistics for all previous calendar years in which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The Vital Statistics Branch shall ensure that none of the information included in the report could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted. Each annual report shall be made available on the cabinet's Web site.
- (5)
  - (a) Any person or institution who fails to submit a report by the end of thirty (30) days following the due date set in subsections (1) and (2) of this section shall be subject to a late fee of five hundred dollars (\$500) for each additional thirty (30) day period or portion of a thirty (30) day period the report is overdue.
  - (b) Any person or institution who fails to submit a report, or who has submitted only an incomplete report, more than one (1) year following the due date set in subsections (1) and (2) of this section, may in a civil action brought by the Vital Statistics Branch be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.
  - (c) Failure by any physician to comply with the requirements of this section, other than filing a late report, or to submit a complete report in accordance with a court order shall subject the physician to KRS 311.595.
- (6) Intentional falsification of any report required under this section is a Class A misdemeanor.
- (7) The Vital Statistics Branch shall promulgate administrative regulations in accordance with KRS Chapter 13A to assist in compliance with this section.

➔Section 32. KRS 213.156 is amended to read as follows:

The provisions of this chapter shall apply to all certificates of birth, death, marriage, divorce, ***stillbirth, and abortion***~~[fetal death and induced termination of pregnancy]~~ previously received by the Vital Statistics Branch and in the custody of the state registrar or any ***health department***~~[local registrar]~~.

➔Section 33. KRS 214.160 is amended to read as follows:

- (1) Every physician and every other person legally permitted to engage in attendance upon a pregnant woman in this state shall take or cause to be taken from the woman a specimen of blood for serological test for syphilis as soon as he is engaged to attend the woman and has reasonable grounds for suspecting that pregnancy exists. If the woman is in labor at the time the diagnosis of pregnancy is made, which may make it inadvisable to obtain a blood specimen at that time, the specimen shall be obtained within ten (10) days after delivery. The specimen of blood shall be submitted to the laboratory of the Cabinet for Health and Family Services or a laboratory approved by the cabinet for the purpose of having made a serological test for syphilis. The test shall be of a type approved by the Cabinet for Health and Family Services.
- (2) The Cabinet for Health and Family Services shall, as often as necessary, publish a list of the five (5) most frequently abused substances, including alcohol, by pregnant women in the Commonwealth. Any physician and any other person legally permitted to engage in attendance upon a pregnant woman in this state may perform a screening for alcohol or substance dependency or abuse, including a comprehensive history of such behavior. Any physician may administer a toxicology test to a pregnant woman under the physician's care within eight (8) hours after delivery to determine whether there is evidence that she has ingested alcohol, a controlled substance, or a substance identified on the list provided by the cabinet, or if the woman has obstetrical complications that are a medical indication of possible use of any such substance for a nonmedical purpose.
- (3) Any physician or person legally permitted to engage in attendance upon a pregnant woman may administer to each newborn infant born under that person's care a toxicology test to determine whether there is evidence of prenatal exposure to alcohol, a controlled substance, or a substance identified on the list provided by the Cabinet for Health and Family Services, if the attending person has reason to believe, based on a medical assessment of the mother or the infant, that the mother used any such substance for a nonmedical purpose during the pregnancy.

- (4) The circumstances surrounding any positive toxicology finding shall be evaluated by the attending person to determine if abuse or neglect of the infant, as defined under KRS 600.020(1), ***shall be reported to the state's child protective services agency*** ~~has occurred and whether investigation by the Cabinet for Health and Family Services is necessary~~.
- (5) ***An infant affected by substance abuse withdrawal symptoms resulting from prenatal drug exposure or fetal alcohol spectrum disorder shall be reported to the state's child protective services agency in accordance with 42 U.S.C. sec. 5106a.***
- (6) No prenatal screening for alcohol or other substance abuse or positive toxicology finding shall be used as prosecutorial evidence.
- ~~(7)(6)~~ No person shall conduct or cause to be conducted any toxicological test pursuant to this section on any pregnant woman without first informing the pregnant woman of the purpose of the test.
- ~~(8)(7)~~ Every physician or other person legally permitted to engage in attendance upon a pregnant woman in the Commonwealth shall take or cause to be taken from the woman a specimen of blood which shall be submitted for the purpose of serologic testing for the presence of hepatitis B surface antigen to a laboratory certified by the United States Department for Health and Human Services pursuant to Section 333 of the Public Health Service Act (42 U.S.C. sec. 263a), as revised by the Clinical Laboratory Improvement Amendments (CLIA), Pub.L. 100-578.
- ~~(9)(8)~~
  - (a) Every physician or other person legally permitted to engage in attendance upon a pregnant woman in the Commonwealth shall take or cause to be taken from the woman a specimen of blood which shall be submitted for the purpose of serologic testing for the presence of hepatitis C virus antibodies and RNA in the blood.
  - (b) The results of this testing shall be recorded by the physician or other person legally permitted to engage in attendance upon a pregnant woman in the Commonwealth, in:
    - 1. The permanent medical record of the woman; and
    - 2. The permanent medical record of the child or children she was pregnant with at the time of the testing after the child or children are born.
  - (c) If the woman receives a test result that shows she is positive for hepatitis C virus antibodies or RNA, the physician or other person legally permitted to engage in attendance upon a pregnant woman in the Commonwealth shall orally inform and clearly document the woman or the legal guardian of the child or children she was pregnant with at the time of the testing, that it is recommended that serologic testing for the presence of hepatitis C virus antibodies and confirmation RNA in the blood be conducted on the child or children she was pregnant with at the time of the testing at the twenty-four (24) month recommended well baby pediatric check-up.

➔Section 34. KRS 214.554 is amended to read as follows:

- (1) There is established within the department a Breast Cancer Screening Program for the purposes of:
  - (a) Reducing morbidity and mortality from breast cancer in women through early detection and treatment; and
  - (b) Making breast cancer screening services of high quality and reasonable cost available to women of all income levels throughout the Commonwealth and to women whose economic circumstances or geographic location limits access to breast cancer screening facilities.
- (2) Services provided under the Breast Cancer Screening Program may be undertaken by private contract for services or operated by the department and may include the purchase, maintenance, and staffing of a truck, a van, or any other vehicle suitably equipped to perform breast cancer screening. The program may also provide referral services for the benefit of women for whom further examination or treatment is indicated by the breast cancer screening.
- (3) The department may adopt a schedule of income-based fees to be charged for the breast cancer screening. The schedule shall be determined to make screening available to the largest possible number of women throughout the Commonwealth. The department shall, where practical, collect any available insurance proceeds or other reimbursement payable on behalf of any recipient of a breast cancer screening under KRS 214.552 to 214.556 and may adjust the schedule of fees to reflect insurance contributions. All fees collected shall be credited to the fund.

- (4) The department may accept any grant or award of funds from the federal government or private sources for carrying out the provisions of KRS 214.552 to 214.556.
- (5) ~~[For the purpose of developing and monitoring the implementation of guidelines for access to and the quality of the services of the Breast Cancer Screening Program, there is hereby created a Breast Cancer Advisory Committee to the commissioner of the Department for Public Health which shall include the directors of the James Graham Brown Cancer Center and the Lucille Parker Markey Cancer Center, the director of the Kentucky Cancer Registry, the director of the Division of Women's Health, one (1) radiologist with preference given to one who has been fellowship trained in breast diagnostics and who shall be appointed by the Governor, one (1) representative of the Kentucky Office of Rural Health appointed by the Governor, one (1) representative of the Kentucky Commission on Women appointed by the Governor, and at least three (3) women who have had breast cancer and who shall be appointed by the Governor.]~~
- (6) ~~]~~The commissioner of the Department for Public Health~~[, in consultation with the Breast Cancer Advisory Committee,]~~ shall provide data and analysis upon request on the:
  - (a) Implementation and outcome from the Breast Cancer Screening Program including, by geographic region, numbers of persons screened, numbers of cancers detected, referrals for treatment, and reductions in breast cancer morbidity and mortality;
  - (b) Development of quality assurance guidelines, including timetables, for breast cancer screening under this section, and monitoring of the manner and effect of implementation of those guidelines; and
  - (c) Funds appropriated, received, and spent for breast cancer control by fiscal year.

➔Section 35. KRS 216.2920 is amended to read as follows:

As used in KRS 216.2920 to 216.2929, unless the context requires otherwise:

- (1) "Ambulatory facility" means ***an outpatient facility, including an ambulatory surgical facility, freestanding birth center, freestanding or mobile technology unit, or an urgent treatment center, that is not part of a hospital and that provides one (1) or more***~~[a facility, including an ambulatory surgical facility, ambulatory care clinic, alternative birth center, mobile health service, or a specialized medical technology service, which is not part of a hospital, and which is licensed pursuant to KRS Chapter 216B, and which provides one (1) or more major]~~ ambulatory procedures to patients not requiring hospitalization;
- (2) "Cabinet" means the Cabinet for Health and Family Services;
- (3) "Charge" means all amounts billed by a hospital or ambulatory facility, including charges for all ancillary and support services or procedures, prior to any adjustment for bad debts, charity contractual allowances, administrative or courtesy discounts, or similar deductions from revenue. However, if necessary to achieve comparability of information between providers, charges for the professional services of hospital-based or ambulatory-facility-based physicians shall be excluded from the calculation of charge;
- (4) "Facility" means any hospital, ***health care service***, or other health care facility, whether operated for profit or not~~[, required to be licensed pursuant to KRS Chapter 216B];~~;
- (5) "Health-care provider" or "provider" means any ~~[facility and service required to be licensed pursuant to KRS Chapter 216B,]~~ pharmacist as defined pursuant to KRS Chapter 315, and any of the following independent practicing practitioners:
  - (a) Physicians, osteopaths, and podiatrists licensed pursuant to KRS Chapter 311;
  - (b) Chiropractors licensed pursuant to KRS Chapter 312;
  - (c) Dentists licensed pursuant to KRS Chapter 313;
  - (d) Optometrists licensed pursuant to KRS Chapter 320;
  - (e) Physician assistants regulated pursuant to KRS Chapter 311;
  - (f) Nurse practitioners licensed pursuant to KRS Chapter 314; and
  - (g) Other health-care practitioners as determined by the Cabinet for Health and Family Services by administrative regulation promulgated pursuant to KRS Chapter 13A;
- (6) "Hospital" means a facility licensed pursuant to KRS Chapter 216B as either an acute-care hospital, psychiatric hospital, rehabilitation hospital, or chemical dependency treatment facility;

- (7) "Procedures" means those surgical, medical, radiological, diagnostic, or therapeutic procedures performed by a provider, as periodically determined by the cabinet in administrative regulations promulgated pursuant to KRS Chapter 13A as those for which reports to the cabinet shall be required. "Procedures" also includes procedures that are provided in hospitals or other ~~licensed~~ ambulatory facilities, or those ~~that~~<sup>which</sup> require the use of special equipment, including fluoroscopic equipment, computer tomographic scanners, magnetic resonance imagers, mammography, ultrasound equipment, or any other new technology as periodically determined by the cabinet;
- (8) "Quality" means the extent to which a provider renders care ~~that~~<sup>which</sup> obtains for patients optimal health outcomes; and
- (9) "Secretary" means the secretary of the Cabinet for Health and Family Services.

➔Section 36. KRS 216.2925 is amended to read as follows:

- (1) The Cabinet for Health and Family Services shall establish by promulgation of administrative regulations pursuant to KRS Chapter 13A~~, no later than January 1, 1995,~~ those data elements required to be submitted to the cabinet by all ~~licensed~~ hospitals and ambulatory facilities, including a timetable for submission and acceptable data forms. ~~Each~~<sup>Thereafter, every</sup> hospital and ambulatory facility shall be required to report on a quarterly basis information regarding the charge for and quality of the procedures and health-care services performed therein, and as stipulated by administrative regulations promulgated pursuant to KRS Chapter 13A. The cabinet shall accept data ~~that~~<sup>which</sup>, at the option of the provider, is submitted through a third party, including but not limited to organizations involved in the processing of claims for payment, so long as the data elements conform to the requirements established by the cabinet. The cabinet may conduct statistical surveys of a sample of hospitals, ambulatory facilities, or other providers in lieu of requiring the submission of information by all hospitals, ambulatory facilities, or providers. On at least a biennial basis, the cabinet shall conduct a statistical survey that addresses the status of women's health, specifically including data on patient age, ethnicity, geographic region, and payor sources. The cabinet shall rely on data from readily available reports and statistics whenever possible.
- (2) The cabinet shall require for submission to the cabinet by any group of providers, except for physicians providing services or dispensaries, first aid stations, or clinics located within business or industrial establishments maintained solely for the use of their employees, including those categories within the definition of provider contained in KRS 216.2920 and any further categories determined by the cabinet, at the beginning of each fiscal year after January 1, 1995, and within the limits of the state, federal, and other funds made available to the cabinet for that year, and as provided by cabinet promulgation of administrative regulations pursuant to KRS Chapter 13A, the following:
  - (a) A list of medical conditions, health services, and procedures for which data on charge, quality, and outcome shall be collected and published;
  - (b) A timetable for filing information provided for under paragraph (a) of this subsection on a quarterly basis;
  - (c) A list of data elements that are necessary to enable the cabinet to analyze and disseminate risk-adjusted charge, quality, and outcome information, including mortality and morbidity data;
  - (d) An acceptable format for data submission ~~that~~<sup>which</sup> shall include use of the uniform:
    - 1. Health claim form pursuant to KRS 304.14-135 or any other universal health claim form to be determined by the cabinet if in the form of hard copy; or
    - 2. Electronic submission formats as required under the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. sec. 300gg et seq., in the form of magnetic computer tape, computer diskettes, or other electronic media through an electronic network;
  - (e) Procedures to allow health-care providers at least thirty (30) days to review information generated from any data required to be submitted by them, with any reports generated by the cabinet to reflect valid corrections by the provider before the information is released to the public; and
  - (f) Procedures pertaining to the confidentiality of data collected.
- (3) The cabinet shall coordinate but not duplicate its data-gathering activities with other data-collection activities conducted by the Department of Insurance, as well as other state and national agencies ~~that~~<sup>which</sup> collect health-related service, utilization, quality, outcome, financial, and health-care personnel data, and shall review all administrative regulations promulgated pursuant to KRS 216.2920 to 216.2929 to prevent duplicate filing

requirements. The cabinet shall periodically review the use of all data collected under KRS 216.2920 to 216.2929 to assure its use is consistent with legislative intent.

- (4) The cabinet shall conduct outcome analyses and effectiveness studies and prepare other reports pertaining to issues involving health-care charges and quality.
- (5) The cabinet may independently audit any data required to be submitted by providers as needed to corroborate the accuracy of the submitted data. Any audit may be at the expense of the cabinet and shall, to the extent practicable, be coordinated with other audits performed by state agencies.
- (6) The cabinet may initiate activities set forth in subsection (1) or (2) of this section at any time after July 15, 1996.
- (7) The Cabinet for Health and Family Services shall collect all data elements under this section using only the uniform health insurance claim form pursuant to KRS 304.14-135, the Professional 837 (ASC X12N 837) format, the Institutional 837 (ASC X12N 837) format, or its successor as adopted by the Centers for Medicare and Medicaid Services.

➔Section 37. KRS 216.2980 is amended to read as follows:

- (1) Any provider of hospice, palliative care, or end-of-life services shall have written policies and procedures for the deactivation or sequestration and disposal of Schedule II, III, IV, or V controlled substances prescribed to a patient when a prescription is discontinued or upon the patient's death by the entity or person pronouncing the death.
- (2) Any provider of hospice, palliative care, or end-of-life services shall provide a copy of the written policy and procedures for the management and the deactivation or sequestration and disposal of Schedule II, III, IV, or V controlled substances prescribed to a patient when a prescription is discontinued or upon the patient's death, to the patient or the patient's legal representative, and the provider shall discuss the policy and procedures with the patient or the patient's legal representative. The patient or the patient's legal representative shall be requested to sign an agreement to this policy.
- (3) In an effort to reduce illegal diversion of Schedule II, III, IV, or V controlled substances, the agreement to the written policy and procedures required under subsection (2) of this section shall inform the patient or the patient's legal representative that if the patient or the patient's legal representative refuses to agree to the deactivation or sequestration and disposal when a prescription is discontinued or upon the death of the patient, local law enforcement ~~for the Department for Public Health~~ shall be notified of the refusal by the hospice, palliative care, or end-of-life services provider or the entity or person pronouncing death.
- (4) The deactivation or sequestration and disposal of Schedule II, III, IV, or V controlled substances prescribed to a patient when a prescription is discontinued or upon the patient's death shall be completed by the entity or person pronouncing death and witnessed by an adult. The witness shall sign a statement that he or she witnessed the deactivation or sequestration and disposal.
- (5) The deactivation or sequestration and disposal methods of Schedule II, III, IV, or V controlled substances used by the entity or person pronouncing death shall comply with the United States Food and Drug Administration's recommendations for the safe disposal of unused medicines or shall be another safe deactivation or sequestration and disposal method.

➔Section 38. KRS 222.231 is amended to read as follows:

- (1) The cabinet shall issue for a term of one (1) year, and may renew for like terms, a license, subject to revocation by it for cause, to any persons, other than a substance use disorder program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.042 or a department, agency, or institution of the federal government, deemed by it to be responsible and suitable to establish and maintain a program and to meet applicable licensure standards and requirements.
- (2) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A establishing requirements and standards for licensing agencies and approving programs. The requirements and standards shall include:
  - (a) The health and safety standards to be met by a facility housing a program;
  - (b) Patient care standards and minimum operating, training, and maintenance of patient records standards;
  - (c) Licensing fees, application, renewal and revocation procedures, and the procedures for evaluation of the substance use disorder programs; and



- (d) Classification of substance use disorder programs according to type, range of services, and level of care provided.
- (3) The cabinet may establish different requirements and standards for different kinds of programs, and may impose stricter requirements and standards in contracts with agencies made pursuant to KRS 222.221.
- (4) Each agency shall be individually licensed or approved.
- (5) Each agency shall file with the cabinet from time to time, the data, statistics, schedules, or information the cabinet may reasonably require for the purposes of this section.
- (6)
  - (a) The cabinet shall have authority to deny, revoke, or modify a license in any case in which it finds that there has been a substantial failure to comply with the provisions of this chapter or the administrative regulations promulgated thereunder. The denial, revocation, or modification shall be effected by providing to the applicant or licensee, by certified mail or other method of delivery, which may include electronic service, a notice setting forth the particular reasons for the action. The denial, revocation, or modification shall become final and conclusive thirty (30) days after notice is given, unless the applicant or licensee, within this thirty (30) day period, files a request in writing for a hearing before the cabinet.
  - (b) If the cabinet has probable cause to believe that there is an immediate threat to public health, safety, or welfare, the cabinet may issue an emergency order to suspend the license. The emergency order to suspend the license shall be provided to the licensee, by certified mail or other method of delivery, which may include electronic service, a notice setting forth the particular reasons for the action.
- (7) Any person required to comply with an emergency order issued under subsection (6) of this section may request an emergency hearing within five (5) calendar days of receipt of the notice to determine the propriety of the order. The cabinet shall conduct an emergency hearing within ten (10) working days of the request for a hearing. Within five (5) working days of completion of the hearing, the cabinet's hearing officer shall render a written decision affirming, modifying, or revoking the emergency order. The emergency order shall be affirmed if there is substantial evidence of a violation of law that constitutes an immediate danger to public health, safety, or welfare. The decision rendered by the hearing officer shall be a final order of the cabinet on the matter, and any party aggrieved by the decision may appeal to the Franklin Circuit Court.
- (8) If the cabinet issues an emergency order, the cabinet shall take action to revoke the facility's license if:
  - (a) The facility fails to submit a written request for an emergency hearing within five (5) calendar days of receipt of the notice; or
  - (b) The decision rendered under subsection (7) of this section affirms that there is substantial evidence of an immediate danger to public health, safety, or welfare.
- (9)
  - (a) The cabinet, after holding a hearing conducted by a hearing officer appointed by the secretary and conducted in accordance with KRS Chapter 13B, may refuse to grant, suspend, revoke, limit, or restrict the applicability of or refuse to renew any agency license or approval of programs for any failure to meet the requirements of its administrative regulations or standards concerning a licensed agency and its program.
  - (b) Within five (5) working days of completion of a hearing on an emergency suspension or within thirty (30) calendar days from the conclusion of a hearing on the denial, revocation or modification of a license, the findings and recommendations of the hearing officer shall be transmitted to the cabinet, with a synopsis of the evidence contained in the record and a statement of the basis of the hearing officer's findings.
  - (c) A petition for judicial review shall be made to the Franklin Circuit Court in accordance with KRS Chapter 13B.
- (10) No person, excepting a substance use disorder program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.042 or a department, agency, or institution of the federal government, shall operate a program without a license pursuant to this section.
- (11) Each program operated by a licensed agency shall be subject to visitation and inspection by the cabinet and the cabinet shall inspect each agency prior to granting~~[-or renewing]~~ a license. ***The cabinet shall inspect each nonaccredited agency at least annually thereafter. If an agency is fully accredited by the Joint Commission, Commission on Accreditation of Rehabilitation Facilities, Council on Accreditation, or other nationally recognized accrediting organization with comparable standards, the cabinet shall inspect the agency at least***

*every two (2) years.* The cabinet may examine the books and accounts of any program if it deems the examination necessary for the purposes of this section.

- (12) The director may require agencies that contract with the Commonwealth pursuant to KRS 222.221 to admit as an inpatient or outpatient any person to be afforded treatment pursuant to this chapter, subject to service and bed availability and medical necessity.
- (13) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the extent to which programs may be required to treat any person on an inpatient or outpatient basis pursuant to this chapter, except that no licensed hospital with an emergency service shall refuse any person suffering from acute alcohol or other drug intoxication or severe withdrawal syndrome from emergency medical care.
- (14) All narcotic treatment programs shall be licensed under this section prior to operation. The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish additional standards of operation for narcotic treatment programs. The administrative regulations shall include minimum requirements in the following areas:
  - (a) Compliance with relevant local ordinances and zoning requirements;
  - (b) Submission of a plan of operation;
  - (c) Criminal records checks for employees of the narcotic treatment program;
  - (d) Conditions under which clients are permitted to take home doses of medications;
  - (e) Drug screening requirements;
  - (f) Quality assurance procedures;
  - (g) Program director requirements;
  - (h) Qualifications for the medical director for a narcotic treatment program, who at a minimum shall:
    1. Be a board-eligible psychiatrist licensed to practice in Kentucky and have three (3) years' documented experience in the provision of services to individuals with a substance use disorder; or
    2. Be a physician licensed to practice in Kentucky and be board certified as an addiction medicine specialist;
  - (i) Security and control of narcotics and medications;
  - (j) Program admissions standards;
  - (k) Treatment protocols;
  - (l) Treatment compliance requirements for program clients;
  - (m) Rights of clients; and
  - (n) Monitoring of narcotic treatment programs by the cabinet.

➔Section 39. KRS 205.6317 is amended to read as follows:

- (1) As used in this section:
  - (a) "Supports for Community Living Waiver Program" means funding from the Department for Medicaid Services to serve individuals with an intellectual disability or other developmental disabilities who qualify for intermediate care and choose to live in a community-based setting and includes funding for a self-determination model, ~~as recommended by the Commission on Services and Supports for Individuals with an Intellectual Disability and Other Developmental Disabilities under KRS 210.577(2),~~ that provides the ability for the individual receiving services and supports to personally control, with appropriate assistance, a targeted amount of dollars; and
  - (b) "Slots" means the dedication of provider or financial resources for services to persons with an intellectual disability or other developmental disabilities.
- (2) The Department for Medicaid Services shall develop and implement flexible reimbursement and payment strategies that reflect the individually determined needs for services and supports by persons with an intellectual disability and other developmental disabilities participating in the Supports for Community Living Waiver Program.

- (3) The Department for Medicaid Services shall allocate slots to the fourteen (14) community mental health regions based on percentage of total population.
- (4) The Department for Medicaid Services shall reallocate underutilized slots to address statewide needs and shall reallocate slots in emergency situations to address unmet needs for services and supports.
- (5) The Department for Medicaid Services shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement the requirements of this section.
- (6) Funds for the Supports for Community Living Waiver Program shall be appropriated only for direct services to qualified individuals and any unexpended funds shall not lapse but shall be carried forward to the next fiscal year and shall be used for the same purpose.

➔Section 40. KRS 304.14-617 is amended to read as follows:

- (1) Any long-term care policy, issued on or after June 21, 2001, which provides coverage for assisted living benefits shall cover services received in any assisted living community ~~that~~~~which~~:
  - (a) Meets the requirements of KRS 194A.700 to 194A.729 and any administrative regulations promulgated under KRS 194A.700 to 194A.729; and
  - (b) Meets any additional requirements of an assisted living community set forth in the long-term care policy approved by the commissioner.
- (2) Any long-term care policy, issued on or after June 21, 2001 **but before the effective date of this Act**, which provides coverage for adult day care services shall cover services received in any adult day care facility ~~that~~~~which~~:
  - (a) Meets the requirements of KRS ~~{205.950 or }~~216B.0443 and any administrative regulations promulgated under KRS ~~{205.950 or }~~216B.0443; and
  - (b) Meets any additional requirements of an adult day care center set forth in the long-term care policy approved by the commissioner.
- (3) ***Any long-term care policy, issued on or after the effective date of this Act, that provides coverage for adult day health care services, shall cover services received in any adult day health care facility that:***
  - (a) ***Meets the requirements of KRS 216B.0441 and 216B.0443 and any administrative regulations promulgated under KRS 216B.0441 and 216B.0443; and***
  - (b) ***Meets any additional requirements of an adult day health care center set forth in the long-term care policy approved by the commissioner.***

➔Section 41. KRS 304.14-675 is amended to read as follows:

- (1) Any short-term nursing home insurance policy issued on or after July 15, 2002, which provides coverage for assisted living benefits shall cover services received in any assisted living community which:
  - (a) Meets the requirements of KRS 194A.700 to 194A.729 and any administrative regulations promulgated under KRS 194A.700 to 194A.729; and
  - (b) Meets any additional requirements of an assisted living community set forth in the short-term nursing home insurance policy approved by the commissioner.
- (2) Any short-term nursing home insurance policy issued on or after July 15, 2002, **but before the effective date of this Act**, which provides coverage for adult day care services shall cover services received in any adult day care facility ~~that~~~~which~~:
  - (a) Meets the requirements of KRS ~~{205.950 or }~~216B.0443 and any administrative regulations promulgated under KRS ~~{205.950 or }~~216B.0443; and
  - (b) Meets any additional requirements of an adult day care center set forth in the short-term nursing home insurance policy approved by the commissioner.
- (3) ***Any short-term nursing home insurance policy issued on or after the effective date of this Act, that provides coverage for adult day health care services, shall cover services received in any adult day health care facility that:***
  - (a) ***Meets the requirements of KRS 216B.0441 and 216B.0443 and any administrative regulations promulgated under KRS 216B.0441 and 216B.0443; and***

- (b) *Meets any additional requirements of an adult day health care center set forth in the short-term nursing home insurance policy approved by the commissioner.*

➔Section 42. KRS 342.375 is amended to read as follows:

Every policy or contract of workers' compensation insurance under this chapter, issued or delivered in this state, shall cover the entire liability of the employer for compensation to each employee subject to this chapter, except as otherwise provided in KRS ~~216.2960,~~ 342.020, 342.345, or 342.352. However, if specifically authorized by the commissioner, a separate insurance policy may be issued for a specified plant or work location if the liability of the employer under this chapter to each employee subject to this chapter is otherwise secured and provided that no employee transferred from one plant or work location to another within the employment of the same employer shall thereby lose any benefit rights accumulated under the average weekly wage concept.

➔Section 43. KRS 605.120 is amended to read as follows:

- (1) The cabinet is authorized to expend available funds to provide for the board, lodging, and care of children who would otherwise be placed in foster care or who are placed by the cabinet in a foster home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The cabinet may accept any gift, devise, or bequest made to it for its purposes.
- (2) The cabinet shall establish a reimbursement system, within existing appropriation amounts, for foster parents that comes as close as possible to meeting the actual cost of caring for foster children. The cabinet shall consider providing additional reimbursement for foster parents who obtain additional training, and foster parents who have served for an extended period of time. In establishing a reimbursement system, the cabinet shall, to the extent possible within existing appropriation amounts, address the additional cost associated with providing care to children with exceptional needs.
- (3) The cabinet shall review reimbursement rates paid to foster parents ~~for a biennial basis~~ and shall issue a report *upon request* ~~in October of each odd-numbered year to the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~ comparing the rates paid by Kentucky to the figures presented in the Expenditures on Children by Families Annual Report prepared by the United States Department of Agriculture and the rates paid to foster parents by other states. To the extent that funding is available, reimbursement rates paid to foster parents shall be increased on an annual basis to reflect cost of living increases.
- (4) The cabinet is encouraged to develop pilot projects both within the state system and in collaboration with private child caring agencies to test alternative delivery systems and nontraditional funding mechanisms.
- (5) (a) The cabinet shall track and analyze data on relative and fictive kin caregiver placements. The data shall include but not be limited to:
  1. Demographic data on relative and fictive kin caregivers and children in their care;
  2. Custodial options selected by the relative and fictive kin caregivers;
  3. Services provisioned to relative and fictive kin caregivers and children in their care; and
  4. Permanency benchmarks and outcomes for relative and fictive kin caregiver placements.
- (b) By September 30, 2020, and upon request thereafter, the cabinet shall submit a report to the Governor, the Chief Justice of the Supreme Court, and the director of the Legislative Research Commission for distribution to the Child Welfare Oversight and Advisory Committee and the Interim Joint Committee on Health and Welfare and Family Services relating to the data tracking and analysis established in this subsection.
- (6) Foster parents shall have the authority, unless the cabinet determines that the child's religion, race, ethnicity, or national origin prevents it, to make decisions regarding haircuts and hairstyles for foster children who are in their care for thirty (30) days or more.

➔Section 44. The following KRS sections are repealed:

194.245 Construction and operation of new facilities, beginning August 1, 1990 -- Transfer of ownership and administration.

194A.140 Special subcommittees of the Public Health Services Advisory Council or of the Institute for Aging.

194A.145 Legislative findings and declarations.

- 194A.146 Statewide Strategic Planning Committee for Children in Placement -- Membership -- Plans -- Review -- Information Systems -- Study of changes in child welfare delivery -- Annual report.
- 194A.200 Compensation and expenses of members of the Public Health Services Advisory Council and the Institute for Aging -- Members of citizens' councils not public officers.
- 199.8992 Development of statewide network of community-based child-care resource and referral services -- Awarding of contracts.
- 200.662 District early intervention committee -- Membership -- Duties.
- 205.217 Long-term care case management demonstration.
- 205.950 Certification of adult day care centers.
- 205.955 Unannounced inspection of adult day care centers.
- 211.215 Program for decontamination of bird roosts.
- 211.400 Kentucky Physicians Care Program -- Provision of primary health care services to eligible individuals -- Volunteer networks -- Advisory committees.
- 211.402 Application for services from Kentucky Physicians Care Program -- Referral by Department for Community Based Services -- Fee for services prohibited.
- 216.2960 Pilot projects for twenty-four hour health coverage -- Authority for administrative regulations.
- 216.370 Definition of "physician extender."
- 216.375 Long-range strategic plan requirement -- Technical assistance -- Office of Rural Health.
- 216.750 Definitions for KRS 216.750 to 216.780.
- 216.760 Functions of cabinet.
- 216.770 Nursing home and personal care home loan fund.
- 216.780 Regulations.
- 216.800 Definitions for KRS 216.800 to 216.853.
- 216.803 Kentucky Health and Geriatric Authority.
- 216.805 Powers of authority.
- 216.807 Agreements by authority for financing of projects.
- 216.810 Leases by authority, contents.
- 216.813 Revenue bonds -- Issuance by authority -- Sale -- Use of proceeds -- Temporary bonds.
- 216.815 Bonds not debt of Commonwealth.
- 216.817 Bonds may be secured by trust indenture.
- 216.820 Enforcement of rights under bonds.
- 216.823 Bonds as legal investments.
- 216.825 Revenue refunding bonds, issuance.
- 216.827 Proceeds of bonds are trust funds.
- 216.830 Property, income and bonds exempt from taxation.
- 216.833 Acquisition of property by purchase or eminent domain -- Title -- Possession, how obtained.
- 216.835 Lessee to maintain project.
- 216.837 Political subdivisions may lease or convey to authority without formality.
- 216.840 Conveyance of project to lessee, when authorized.
- 216.843 Compensation for damage to private property.

- 216.845 Kentucky Health and Geriatric Authority revenue bond guarantee fund -- How made up -- Use of -- Payments on default.
- 216.847 Annual report of authority.
- 216.850 Officers or agents of authority not to have conflicting interest -- Penalty.
- 216.853 Applicability of other laws.
- 216B.021 Authorization for two 120-bed nursing homes in western and eastern Kentucky.
- 216B.022 Establishment of nursing facility beds under pilot program for post-acute transitional care dependent upon long-term care bed need calculations for county in state health plan -- Sunset.
- 216B.182 Conversion of licensed nursing home beds to licensed intermediate care facility beds between July 1, 2004, and September 1, 2005.
- 216B.459 Medicaid reimbursement.
- 219.390 State Advisory Committee on Manufactured Home, Mobile Home, and Recreational Vehicle Communities -- Membership -- Terms -- Compensation.
- 620.157 Appeal of cabinet's determination that child should not be returned home.

**Signed by Governor March 27, 2020.**

## CHAPTER 37

### ( HB 208 )

AN ACT relating to commercial mobile radio service charges and declaring an emergency.

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

➔Section 1. KRS 65.7636 is amended 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 KRS 65.7629 and shall remit *a monthly* 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:
    - (a)~~1.~~ The amount of the postpaid CMRS service charge levied under KRS 65.7629; and
    - (b)~~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.~~
- ~~(4)(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 January 1, 2017, to CMRS providers receiving reimbursement from the universal service fund.~~
- (5) *A Lifeline provider shall not use any moneys received for participation in the wireless low-income Lifeline program from the universal service fund managed by the Federal Communications Commission pursuant to the federal Telecommunications Act of 1996, 41 U.S.C. secs. 151 et seq., to pay for any portion of the CMRS service charge levied on the Lifeline provider under this section.*

➔Section 2. Whereas the collection of the CMRS service charge imposed by Section 1 of this Act on all Lifeline providers is critical to the funding and operation of emergency communication services in 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 March 27, 2020.**

## CHAPTER 38

( SB 148 )

AN ACT relating to the registration of farmers for sales and use tax exemption purposes.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

- (1) *On and after January 1, 2022, every person claiming an exemption provided under KRS 139.480(4) to (9), KRS 139.480(11), KRS 139.480(13) to (15), and KRS 139.480(23) to (30) shall include on the appropriate exemption certificate an agriculture exemption number issued by the department.*
- (2) *A person is eligible to apply for an agriculture exemption number if the person is:*
  - (a) *Regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business;*
  - (b) *Regularly engaged in the occupation of raising and feeding livestock of a kind the products of which ordinarily constitute food for human consumption;*
  - (c) *Raising and feeding poultry;*
  - (d) *Producing milk for sale; or*
  - (e) *Regularly engaged in raising ratite birds, llamas, alpacas, buffalos, cervids, or aquatic organisms as an agricultural pursuit.*

- (3) (a) *On and after January 1, 2022, persons that receive an agriculture exemption number and choose to claim the exemptions outlined in subsection (1) of this section shall, at least one (1) time, provide the seller or retailer from whom they purchase exempt tangible personal property with one (1) of the following:*
1. *A fully completed exemption certificate, as prescribed by the department, which shall contain the agriculture exemption number issued by the department; or*
  2. *A fully completed Streamlined Sales Tax Certificate of Exemption which shall include the agriculture exemption number.*
- (b) *A purchaser that has met the requirements of paragraph (a) of this subsection may issue the agriculture exemption number to the seller or retailer for subsequent purchases as evidence of an exempt purchase for as long as the agriculture exemption number is valid.*
- (c) *Persons that meet the requirements of subsection (2) of this section but have not yet received an agriculture exemption number from the department prior to January 1, 2022, may issue a fully completed exemption certificate without the agriculture exemption number prior to July 1, 2022.*
- (4) (a) *On or before April 1, 2021, the department, by administrative regulation, shall develop an application form for the agriculture exemption number and procedures by which the application form may also be submitted either electronically or by paper filing no later than January 1, 2022.*
- (b) *The application shall include:*
1. *The person's name and mailing address;*
  2. *The farm address, if different from the person's mailing address;*
  3. *An affirmation that the person meets at least one (1) of the criteria outlined in subsection (2) of this section;*
  4. *The person's driver's license number; and*
  5. *One (1) of the following forms of documentation:*
    - a. *IRS Schedule F, Profit or Loss from Farming;*
    - b. *IRS Form 4835, Farm Rental Income and Expenses;*
    - c. *The farm service agency number or numbers assigned by the United States Department of Agriculture pertaining to the parcels of land on which agriculture activity will take place; or*
    - d. *Any other type of information that may establish to the satisfaction of the Commissioner that the applicant qualifies for the agriculture exemption number.*
- (5) (a) *The agriculture exemption number shall expire three (3) years from the date that the number is issued by the department or when the person ceases to engage in the agriculture activity for which the agriculture exemption number was granted, whichever comes first.*
- (b) *The person may apply for a renewal of the agriculture exemption number prior to the expiration date if the person continues to meet the requirements of subsection (2) of this section and provides documentation required by subsection (4)(b)5. of this section. The department shall, by administrative regulation, prescribe the electronic process for renewing an agriculture exemption number.*
- (6) (a) *On or before July 1, 2022, the department shall develop and provide an online searchable database on the department's Web site that the seller or retailer may use to confirm the agriculture exemption number if the purchaser cannot produce documentation of the agriculture exemption number at the time of sale.*
- (b) *To search the database, the seller or retailer shall provide the name of the person assigned the agriculture exemption number, and one (1) of the following:*
1. *The agriculture exemption number;*
  2. *The agriculture exemption number expiration date;*
  3. *The person's driver's license number;*



4. *The farm service agency parcel number; or*
5. *Any other unique identifier that may be accepted by the department.*
- (c) *The seller or retailer shall be relieved of the liability for collecting and remitting the sales and use tax if the seller or retailer meets the requirements of KRS 139.260 and 139.270.*

**Signed by Governor March 27, 2020.**

## CHAPTER 39

### ( HB 135 )

AN ACT relating to licensees of the Kentucky Board of Medical Licensure.

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

➔Section 1. KRS 311.842 is amended to read as follows:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to the licensing and regulation *of physician assistants*, including *but not limited to:*
  - (a) Temporary licensing ~~of physician assistants~~;
  - (b) *Professional standards for prescribing and administering controlled substances; and*
  - (c) *Professional standards for prescribing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.*
- (2) The board shall establish a nine (9) member Physician Assistant Advisory Committee that shall review and make recommendations to the board regarding all matters relating to physician assistants that come before the board, including but not limited to:
  - (a) Applications for physician assistant licensing;
  - (b) Licensing renewal requirements;
  - (c) Approval of supervising physicians;
  - (d) Disciplinary actions; and
  - (e) Promulgation and revision of administrative regulations.
- (3) Members of the Physician Assistant Advisory Committee shall be appointed by the board for four (4) year terms and shall consist of:
  - (a) Five (5) practicing physician assistants;
  - (b) Two (2) supervising physicians;
  - (c) One (1) member of the board; and
  - (d) One (1) citizen at large.
- (4) The chairperson of the committee shall be elected by a majority vote of the committee members and shall be responsible for presiding over meetings that shall be held on a regular basis.
- (5) Members shall receive reimbursement for expenditures relating to attendance at committee meetings consistent with state policies for reimbursement of travel expenses for state employees.
- (6) Nothing in this chapter shall be construed to require licensing of a physician assistant student enrolled in a physician assistant or surgeon assistant program accredited by the Accreditation Review Commission on Education for Physician Assistants or its successor agencies or of a physician assistant employed in the service of the federal government while performing duties relating to that employment.

➔Section 2. KRS 311.844 is amended to read as follows:

- (1) To be licensed by the board as a physician assistant, an applicant shall:

- (a) Submit a completed application form with the required fee;
  - (b) Be of good character and reputation;
  - (c) Be a graduate of an approved program; and
  - (d) Have passed an examination approved by the board within three (3) attempts.
- (2) A physician assistant who is authorized to practice in another state and who is in good standing may apply for licensure by endorsement from the state of his or her credentialing if that state has standards substantially equivalent to those of this Commonwealth.
- (3) A physician assistant's license shall be *valid for two (2) years and shall be renewed by the board* upon fulfillment of the following requirements:
- (a) The holder shall be of good character and reputation;
  - (b) The holder shall provide evidence of completion, during the previous two (2) years, of a minimum of one hundred (100) hours of continuing education approved by the American Medical Association, the American Osteopathic Association, the American Academy of Family Physicians, the American Academy of Physician Assistants, or by another entity approved by the board. ***The one hundred (100) hours of continuing education required by this paragraph shall include:***
    - 1. During the first two (2) years of licensure or prior to the first licensure renewal: {+}***
      - a. One (1) continuing education course on the human immunodeficiency virus and acquired immunodeficiency syndrome; and***
      - b. One and one-half (1.5) hours of continuing education in the prevention and recognition of pediatric abusive head trauma, as defined in KRS 620.020; and***
    - 2. If the license holder is authorized, pursuant to subsection (5) of Section 5 of this Act, to prescribe and administer Schedule III, IV, or V controlled substances, a minimum of five (5) hours of approved continuing education relating to controlled substance diversion, pain management, addiction disorders, use of the electronic system for monitoring controlled substances established in KRS 218A.202, or any combination of two (2) or more of these subjects;***
  - (c) ***The holder, if authorized, pursuant to subsection (5) of Section 5 of this Act, to prescribe and administer Schedule III, IV, or V controlled substances, shall provide evidence of completion, during the previous two (2) years, of a minimum of five (5) hours, in addition to the continuing education requirements established in paragraph (b) of this subsection, of continuing education relating to controlled substance diversion, pain management, addiction disorders, use of the electronic system for monitoring controlled substances established in KRS 218A.202, or any combination of two (2) or more of these subjects***~~The holder shall provide evidence of completion of a continuing education course on the human immunodeficiency virus and acquired immunodeficiency syndrome;~~
  - ~~(d) As a part of the continuing education requirements that the board adopts to ensure continuing competency of present and future licensees the board shall ensure that physician's assistants shall demonstrate completion of a one time training course of one and one half (1.5) hours of training covering the prevention and recognition of pediatric abusive head trauma, as defined in KRS 620.020. The one and one half (1.5) hours of continuing education required under this section shall be included in the current number of required continuing education hours}; and~~
  - ~~(d){(e)}~~ The holder shall provide proof of current certification with the National Commission on Certification of Physician Assistants.

➔Section 3. KRS 311.850 is amended to read as follows:

- (1) The board may revoke, suspend, deny, decline to renew, limit, or restrict the license of a physician assistant, or may fine, reprimand or place a physician assistant on probation for no more than five (5) years upon proof that a physician assistant has:
  - (a) Knowingly made or presented or caused to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, or other document relating to an application for licensure;
  - (b) Practiced, aided, or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy relating to an examination for licensure;

- (c) Been convicted of a crime as defined in KRS 335B.010, if in accordance with KRS Chapter 335B;
  - (d) *Been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient or a felony offense under KRS Chapter 510, KRS 530.064, or 531.310, or has been found by the board to have had sexual contact, as defined in KRS 510.010, with a patient while the patient was under the care of the physician assistant or the physician assistant's supervising physician;*
  - (e) Become addicted to *a controlled substance, as defined in KRS 311.550(26)*~~for is an abuser of alcohol, drugs, or any illegal substance~~;
  - (f) *Become a chronic or persistent alcoholic, as defined in KRS 311.550(25);*
  - (g)~~(e)~~ *Been unable or is unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition including but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills, or by reason of an extended absence from the active practice of medicine*~~Developed a physical or mental disability or other condition that presents a danger in continuing to practice medicine to patients, the public, or other health care personnel~~;
  - (h)~~(f)~~ Knowingly made or caused to be made or aided or abetted in the making of a false statement in any document executed in connection with the practice of medicine or osteopathy;
  - (i)~~(g)~~ Performed any act or service as a physician assistant without a designated supervising physician;
  - (j)~~(h)~~ Exceeded the scope of medical services described by the supervising physician in the applications required under KRS 311.854;
  - (k)~~(i)~~ Exceeded the scope of practice for which the physician assistant was credentialed by the governing board of a hospital or licensed health care facility under KRS 311.856 and 311.858;
  - (l)~~(j)~~ Aided, assisted, or abetted the unlawful practice of medicine or osteopathy or any healing art, including the unlawful practice of physician assistants;
  - (m)~~(k)~~ Willfully violated a confidential communication;
  - (n)~~(l)~~ Performed the services of a physician assistant in an unprofessional, incompetent, or grossly or chronically negligent manner;
  - (o)~~(m)~~ Been removed, suspended, expelled, or placed on probation by any health care facility or professional society for unprofessional conduct, incompetence, negligence, or violation of any provision of this section or KRS 311.858 or 311.862;
  - (p)~~(n)~~ Violated any applicable provision of administrative regulations relating to physician assistant practice;
  - (q)~~(o)~~ Violated any term of probation or other discipline imposed by the board;~~or~~
  - (r)~~(p)~~ Failed to complete the required number of hours of approved continuing education; *or*
  - (s) *Engaged in dishonorable, unethical, or unprofessional conduct of character likely to deceive, defraud, or harm the public or any member thereof, as described in KRS 311.597.*
- (2) All disciplinary proceedings against a physician assistant shall be conducted in accordance with the provisions of KRS 311.591, 311.592, 311.593, 311.599, and KRS Chapter 13B and related administrative regulations promulgated under KRS Chapter 311.

➔Section 4. 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 dispensing controlled substances;*
- (3) Prohibit a physician assistant from prescribing or *administering*~~(dispensing)~~ controlled substances, *except as provided in subsection (5) of Section 5 of this Act;*
- (4)~~(3)~~ Inform all patients in contact with a physician assistant of the status of the physician assistant;

- (5)~~(4)~~ Post a notice stating that a physician assistant practices medicine or osteopathy in all locations where the physician assistant may practice;
- (6)~~(5)~~ Require a physician assistant to wear identification that clearly states that he or she is a physician assistant;
- (7)~~(6)~~ Prohibit a physician assistant from independently billing any patient or other payor for services rendered by the physician assistant;
- (8)~~(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;
- (9)~~(8)~~ Not require a physician assistant to perform services or other acts that the physician assistant feels incapable of carrying out safely and properly;
- (10)~~(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;
- (11)~~(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 KRS 311.854. 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;
- (12)~~(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
- (13)~~(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.

➔Section 5. KRS 311.858 is amended to read as follows:

- (1) A physician assistant may perform medical services and procedures within the scope of medical services and procedures described in the initial or any supplemental application received by the board under KRS 311.854.
- (2) A physician assistant shall be considered an agent of the supervising physician in performing medical services and procedures described in the initial application or any supplemental application received by the board under KRS 311.854.
- (3) A physician assistant may initiate evaluation and treatment in emergency situations without specific approval.
- (4) A physician assistant may prescribe and administer all nonscheduled legend drugs and medical devices **to the extent**~~as~~ delegated by the supervising physician. A physician assistant who is delegated prescribing authority may request, receive, **sign for**, and distribute professional **samples of nonscheduled legend**~~sample~~ drugs to patients.
- (5)
  - (a) ***A physician assistant who has been approved by the board pursuant to paragraph (b) of this subsection, may prescribe and administer Schedules III, IV, and V controlled substances, as described in KRS Chapter 218A, to the extent delegated by the supervising physician and as permitted under paragraphs (c), (d), and (e) of this subsection.***
  - (b) ***Before a physician assistant engages in prescribing or administering controlled substances, the physician assistant shall:***

1. *Have at least one (1) year of experience as a licensed and practicing physician assistant;*
  2. *Submit to the board a completed application for prescriptive authority for controlled substances signed by the physician assistant's supervising physician in accordance with Section 4 of this Act;*
  3. *Receive from the board, or its executive director, a notice that the application for prescriptive authority has been approved; and*
  4. *Obtain a Controlled Substance Registration Certificate through the United States Drug Enforcement Administration and register with the electronic system for monitoring controlled substances established in KRS 218A.202 and any other applicable state controlled substance regulatory authority.*
- (c) *Prescriptions issued by a physician assistant for Schedule III controlled substances, as described in KRS 218A.080, shall be limited to a thirty (30) day supply without any refill.*
- (d) *Prescriptions issued by a physician assistant for Schedule IV or V controlled substances, as described in KRS 218A.100 and 218A.120, shall be limited to the original prescription and refills not to exceed a six (6) month supply.*
- (e) *Notwithstanding paragraph (d) of this subsection, prescriptions issued by a physician assistant for benzodiazepines or Carisoprodol shall be limited to a thirty (30) day supply without any refill.*
- (6) A physician assistant shall not submit direct billing for medical services and procedures performed by the physician assistant.
- ~~(7)(6)~~ A physician assistant may perform local infiltrative anesthesia under the provisions of subsection (1) of this section, but a physician assistant shall not administer or monitor general or regional anesthesia unless the requirements of KRS 311.862 are met.
- ~~(8)(7)~~ A physician assistant may perform services in the offices or clinics of the supervising physician. A physician assistant may also render services in hospitals or other licensed health care facilities only with written permission of the facility's governing body, and the facility may restrict the physician assistant's scope of practice within the facility as deemed appropriate by the facility.
- ~~(9)(8)~~ A physician assistant shall not practice medicine or osteopathy independently. Each physician assistant shall practice under supervision as defined in KRS 311.840.

➔SECTION 6. A NEW SECTION OF KRS 311.840 TO 311.862 IS CREATED TO READ AS FOLLOWS:

- (1) *When a hearing or inquiry panel, as described in KRS 311.591, has probable cause to believe a physician assistant is suffering from a physical or mental condition that might impede his or her ability to practice competently, the panel upon consideration of recommendations of the Physician Assistant Advisory Committee established in KRS 311.842, may order the physician assistant to undergo a physical or mental examination by person designated by the panel.*
- (2) *Failure of a physician assistant to submit to such an examination when directed, unless the failure is due to circumstances beyond his or her control, shall constitute an admission that the concerned physician assistant has developed such a physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public; said failure shall constitute a default and a final order may be entered without the taking of testimony or presentation of evidence.*
- (3) *A physician assistant whose license has been suspended, limited, restricted, or revoked under this section and Section 3 of this Act, shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.*

➔Section 7. KRS 311.616 is amended to read as follows:

- (1) The board may establish by contract, *including with a nonprofit corporation*, or otherwise *the Kentucky Physician Health Foundation*~~[an impaired physicians program]~~ to promote the early identification, intervention, treatment, and rehabilitation of *individuals licensed by the board*~~[physicians]~~ who may be impaired by reason of illness, alcohol or drug abuse, or as a result of any physical or mental condition.
- (2) The board may promulgate administrative regulations under the provisions of KRS Chapter 13A to implement any program formed under this section and may expend any funds necessary to provide for operational expenses of a program formed under this section.

➔Section 8. KRS 311.619 is amended to read as follows:

- (1) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the program formed under KRS 311.616, as well as all communications to or from the program, and any findings, conclusions, interventions, treatment, or rehabilitation, or other proceedings of the program which in any way pertain or refer to ***an individual licensed by the board***~~[a physician]~~ who may be, or who is actually, impaired shall be privileged and confidential.
- (2) All records and proceedings of the program which pertain or refer to ***an individual licensed by the board***~~[a physician]~~ who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the program and its members only in the exercise of the proper function of the program and shall not be considered public records nor shall they be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as described in subsection (3) of this section.
- (3) The program may disclose information relative to an impaired ***individual licensed by the board***~~[physician]~~ only:
  - (a) When it is essential to disclose such information to further the intervention, treatment, or rehabilitation needs of the impaired ***individual***~~[physician]~~, and then only to those persons or organizations with a need to know;
  - (b) When its release is authorized in writing by the impaired ***individual***~~[physician]~~; or
  - (c) When the program is required to make a report to the board.
- (4) The program shall report any suspected violation of KRS 311.595 to the board.

➔Section 9. 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 classified as Schedule III controlled substances pursuant to KRS 218A.020 but does not include estrogens, progestins, and anticosteroids;
- (3) "Cabinet" means the Cabinet for Health and Family Services;
- (4) "Carfentanil" means any substance containing any quantity of carfentanil, or any of its salts, isomers, or salts of isomers;
- (5) "Certified community based palliative care program" means a palliative care program which has received certification from the Joint Commission;
- (6) "Child" means any person under the age of majority as specified in KRS 2.015;
- (7) "Cocaine" means a substance containing any quantity of cocaine, its salts, optical and geometric isomers, and salts of isomers;
- (8) "Controlled substance" means methamphetamine, or a drug, substance, or immediate precursor in Schedules I through V and includes a controlled substance analogue;
- (9) (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;
- (10) "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;
- (11) "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;
- (12) "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;
- (13) "Distribute" means to deliver other than by administering or dispensing a controlled substance;
- (14) "Dosage unit" means a single pill, capsule, ampule, liquid, or other form of administration available as a single unit;
- (15) "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;
- (16) "Fentanyl" means a substance containing any quantity of fentanyl, or any of its salts, isomers, or salts of isomers;
- (17) "Fentanyl derivative" means a substance containing any quantity of any chemical compound, except compounds specifically scheduled as controlled substances by statute or by administrative regulation pursuant to this chapter, which is structurally derived from 1-ethyl-4-(N-phenylamido) piperadine:
- (a) By substitution:
    1. At the 2-position of the 1-ethyl group with a phenyl, furan, thiophene, or ethyloxotetrazole ring system; and
    2. Of the terminal amido hydrogen atom with an alkyl, alkoxy, cycloalkyl, or furanyl group; and
  - (b) Which may be further modified in one (1) or more of the following ways:
    1. By substitution on the N-phenyl ring to any extent with alkyl, alkoxy, haloalkyl, hydroxyl, or halide substituents;
    2. By substitution on the piperadine ring to any extent with alkyl, allyl, alkoxy, hydroxy, or halide substituents at the 2-, 3-, 5-, and/or 6- positions;

3. By substitution on the piperadine ring to any extent with a phenyl, alkoxy, or carboxylate ester substituent at the 4- position; or
  4. By substitution on the 1-ethyl group to any extent with alkyl, alkoxy, or hydroxy substituents;
- (18) "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;
- (19) "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;
- (20) "Heroin" means a substance containing any quantity of heroin, or any of its salts, isomers, or salts of isomers;
- (21) "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;
- (22) "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;
- (23) "Industrial hemp" has the same meaning as in KRS 260.850;
- (24) "Industrial hemp products" has the same meaning as in KRS 260.850;
- (25) "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;
- (26) "Isomer" means the optical isomer, except the Cabinet for Health and Family Services may include the optical, positional, or geometric isomer to classify any substance pursuant to KRS 218A.020;
- (27) "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;
- (28) "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 that is in the possession, custody, or control of a person who holds a license issued by the Department of Agriculture permitting that person to cultivate, handle, or process industrial hemp;
  - (b) Industrial hemp products that do not include any living plants, viable seeds, leaf materials, or floral materials;
  - (c) 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;
  - (d) 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;
  - (e) A cannabidiol product derived from industrial hemp, as defined in KRS 260.850; or
  - (f) A cannabidiol product approved as a prescription medication by the United States Food and Drug Administration;
- (29) "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;
- (30) "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;
- (31) "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;
- (32) "Methamphetamine" means any substance that contains any quantity of methamphetamine, or any of its salts, isomers, or salts of isomers;
- (33) "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;
- (34) "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.020, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms;
- (35) "Opium poppy" means the plant of the species *papaver somniferum* L., except its seeds;
- (36) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;
- (37) "Physical injury" has the same meaning it has in KRS 500.080;

- (38) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;
- (39) "Pharmacist" means a natural person licensed by this state to engage in the practice of the profession of pharmacy;
- (40) "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, ***physician assistant as authorized under Section 5 of this Act***, 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;
- (41) "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;
- (42) "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;
- (43) "Prescription blank," with reference to a controlled substance, means a document that meets the requirements of KRS 218A.204 and 217.216;
- (44) "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;
- (45) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance;
- (46) "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;
- (47) "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*;
- (48) "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;
- (49) "Sell" means to dispose of a controlled substance to another person for consideration or in furtherance of commercial distribution;
- (50) "Serious physical injury" has the same meaning it has in KRS 500.080;
- (51) "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;
- (52) "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, alkylendioxy, 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  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -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;
- (53) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic cathinones;
- (54) "Telehealth" has the same meaning it has in KRS 311.550;
- (55) "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;
- (56) "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;
- (57) "Transfer" means to dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution; and
- (58) "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 10. The following KRS section is repealed:

311.617 Creation, support, and maintenance of committee -- Authority for administrative regulations.

**Signed by Governor March 27, 2020.**

## CHAPTER 40

### ( HB 229 )

AN ACT relating to 911 services and making an appropriation therefor.

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

➔Section 1. 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) 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.
- (3) ~~[(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 *establishing or maintaining statewide next generation 911 initiatives to assist with the adoption and operation of next generation 911 services and applications. Fund disbursements shall be limited to equipment, hardware, software, or contracted services used in the preparation for, or delivery of, next generation 911* ~~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].~~
- (4) 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 subsection and not yet obligated for permitted uses exceeds three million dollars (\$3,000,000) in any fiscal year, the excess amount shall be allocated under subsection (5) of this section.

- (5) 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) of this section have been subtracted shall be distributed to PSAPs eligible to receive disbursement from the CMRS fund under subsection (6) of this section who actually request disbursement, as follows:
  - (a) Fifty percent (50%) of the remaining balance to be allocated under this subsection 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) 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) of this section; and
  - (b) Fifty percent (50%) of the remaining balance to be allocated under this subsection 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 KRS 65.760(4) and (5). Additionally, amounts distributed to PSAPs under this subsection may be used for the purposes 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.

- (6) (a) Notwithstanding any other provision of the law, no PSAP shall be eligible to request or receive a disbursement from the CMRS fund under subsection (4)(a) or (b) or (5) of this section unless and until the PSAP:
  1. Is expressly certified as a PSAP by the Kentucky 911 Services Board, upon written application to the board;
  2. 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 service;
  3. 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. 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. 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 2. 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;
- (3) "Automatic number identification", or "ANI" means a feature that allows for the automatic display of the 911 caller's ten-digit number, or equivalent, in accordance with applicable FCC rules and regulations;
- (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) "Board" means the 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 KRS 65.7636;
- (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 KRS 65.7634 and collected under KRS 142.100 to 142.135;
- (13) "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) "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) "Local government" means any city, county, charter county, or urban-county government of the Commonwealth, or any other governmental entity maintaining a PSAP;
- (16) "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, *if purchased, is required to be paid for in advance and is either sold in predetermined units, dollars, or time which decline with use in a known amount, or is sold for unlimited use during a predetermined period of time*~~;~~
  - ~~(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) "Proprietary information" means information, including customer lists and other related information, technology descriptions, technical information, or trade secrets;
- (21) "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) "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) "Service supplier" means a person or entity who provides local exchange telephone service to a telephone subscriber;
- (28) "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) "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 3. KRS 65.7634 is amended 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; **and**
  - (e) ***Any prepaid wireless telecommunications service.***
- (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 KRS 139.105. 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 KRS 142.100 to 142.135.
- (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.

**Signed by Governor March 27, 2020.**



## CHAPTER 41

( HB 154 )

AN ACT relating to grants of legal authority by individuals.

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

➔SECTION 1. KRS CHAPTER 390 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

*As used in this chapter:*

- (1) *"Appointee" means a person to whom a powerholder makes an appointment of appointive property;*
- (2) *"Appointive property" means the property or property interest subject to a power of appointment;*
- (3) *"Blanket-exercise clause" means a clause in an instrument which exercises a power of appointment and is not a specific-exercise clause. The term includes a clause that:*
  - (a) *Expressly uses the words "any power" in exercising any power of appointment the powerholder has;*
  - (b) *Expressly uses the words "any property" in appointing any property over which the powerholder has a power of appointment; or*
  - (c) *Disposes of all property subject to disposition by the powerholder;*
- (4) *"Donor" means a person who creates a power of appointment;*
- (5) *"Exclusionary power of appointment" means a power of appointment exercisable in favor of any one (1) or more of the permissible appointees to the exclusion of the other permissible appointees;*
- (6) *"General power of appointment" means a power of appointment exercisable in favor of the powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate;*
- (7) *"Gift-in-default clause" means a clause identifying a taker in default of appointment;*
- (8) *"Impermissible appointee" means a person who is not a permissible appointee;*
- (9) *"Instrument" means a writing;*
- (10) *"Nongeneral power of appointment" means a power of appointment that is not a general power of appointment;*
- (11) *"Permissible appointee" means a person in whose favor a powerholder may exercise a power of appointment;*
- (12) *"Person" means an individual, estate, trust, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;*
- (13) *"Power of appointment" means a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. The term does not include a power of attorney;*
- (14) *"Powerholder" means a person in whom a donor creates a power of appointment;*
- (15) *"Presently exercisable power of appointment" means a power of appointment exercisable by the powerholder at the time in question. The term:*
  - (a) *Includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified time only after:*
    1. *The occurrence of the specified event;*
    2. *The satisfaction of the ascertainable standard; or*
    3. *The passage of the specified time; and*
  - (b) *Does not include a power exercisable only at the powerholder's death;*
- (16) *"Specific-exercise clause" means a clause in an instrument which specifically refers to and exercises a particular power of appointment;*

- (17) *"Taker in default of appointment" means a person who takes part or all of the appointive property to the extent the powerholder does not effectively exercise the power of appointment; and*
- (18) *"Terms of the instrument" means the manifestation of the intent of the maker of the instrument regarding the instrument's provisions as expressed in the instrument or as may be established by other evidence that would be admissible in a legal proceeding.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*Unless the terms of the instrument creating a power of appointment manifest a contrary intent:*

- (1) *The creation, revocation, or amendment of the power is governed by the law of the donor's domicile at the relevant time; and*
- (2) *The exercise, release, or disclaimer of the power, or the revocation or amendment of the exercise, release, or disclaimer, is governed by the law of the powerholder's domicile at the relevant time.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*The common law principles of equity supplement this chapter, except to the extent modified by this chapter or law of the Commonwealth other than this chapter.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *A power of appointment is created only if:*
- (a) *The instrument creating the power:*
1. *Is valid under applicable law; and*
  2. *Except as otherwise provided in subsection (2) of this section, transfers the appointive property; and*
- (b) *The terms of the instrument creating the power manifest the donor's intent to create, in a powerholder, a power of appointment over the appointive property exercisable in favor of a permissible appointee.*
- (2) *Subsection (1)(a)2. of this section does not apply to the creation of a power of appointment by the exercise of a power of appointment.*
- (3) *A power of appointment may not be created in a deceased individual.*
- (4) *Subject to an applicable rule against perpetuities, a power of appointment may be created in an unborn or unascertained powerholder.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder may not transfer a power of appointment. If the powerholder dies without exercising or releasing the power, the power lapses.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*Subject to Section 8 of this Act, and unless the terms of the instrument creating a power of appointment manifest a contrary intent, the power is:*

- (1) *Presently exercisable;*
- (2) *Exclusionary; and*
- (3) *Except as otherwise provided in Section 7 of this Act, general.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*Unless the terms of the instrument creating a power of appointment manifest a contrary intent, the power is nongeneral if:*

- (1) *The power is exercisable only at the powerholder's death; and*
- (2) *The permissible appointees of the power are a defined and limited class that does not include the powerholder's estate, the powerholder's creditors, or the creditors of the powerholder's estate.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "adverse party" means a person with a substantial beneficial interest in property which would be affected adversely by a powerholder's exercise or nonexercise of a power of appointment in favor of the powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate.*
- (2) *If a powerholder may exercise a power of appointment only with the consent or joinder of an adverse party, the power is nongeneral.*
- (3) *If the permissible appointees of a power of appointment are not defined and limited, the power is exclusionary.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A donor may revoke or amend a power of appointment only to the extent that:*

- (1) *The instrument creating the power is revocable by the donor; or*
- (2) *The donor reserves a power of revocation or amendment in the instrument creating the power of appointment.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A power of appointment is exercised only:*

- (1) *If the instrument exercising the power is valid under applicable law;*
- (2) *If the terms of the instrument exercising the power:*
  - (a) *Manifest the powerholder's intent to exercise the power; and*
  - (b) *Subject to Section 14 of this Act, satisfy the requirements of exercise, if any, imposed by the donor; and*
- (3) *To the extent the appointment is a permissible exercise of power.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
  - (a) *"Residuary clause" does not include a residuary clause containing a blanket-exercise clause or a specific-exercise clause; and*
  - (b) *"Will" includes a codicil and a testamentary instrument that revises another will.*
- (2) *A residuary clause in a powerholder's will, or a comparable clause in the powerholder's revocable trust, manifests the powerholder's intent to exercise a power of appointment only if:*
  - (a) *The terms of the instrument containing the residuary clause do not manifest a contrary intent;*
  - (b) *The power is a general power exercisable in favor of the powerholder's estate;*
  - (c) *There is no gift-in-default clause or it is ineffective; and*
  - (d) *The powerholder did not release the power.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*Unless the terms of the instrument exercising a power of appointment manifest a contrary intent:*

- (1) *Except as otherwise provided in subsection (2) of this section, a blanket-exercise clause extends to a power acquired by the powerholder after executing the instrument containing the clause; and*
- (2) *If the powerholder is also the donor of the power, the clause does not extend to the power unless there is no gift-in-default clause or it is ineffective.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder's substantial compliance with a formal requirement of an appointment imposed by the donor, including a requirement that the instrument exercising the power of appointment make reference or specific reference to the power, is sufficient if:*

- (1) *The powerholder knows of and intends to exercise the power; and*

- (2) *The powerholder's manner of attempted exercise of the power does not impair a material purpose of the donor in imposing the requirement.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder's own property.*
- (2) *A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder's estate is restricted to appointing to those creditors.*
- (3) *Unless the terms of the instrument creating a power of appointment manifest a contrary intent, the powerholder of a nongeneral power may:*
- (a) *Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;*
  - (b) *Create a general power in a permissible appointee; or*
  - (c) *Create a nongeneral power in any permissible appointee to appoint to such persons as the powerholder chooses, including persons who are not permissible appointees of the original nongeneral power.*

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *An appointment to a deceased appointee is ineffective.*
- (2) *Unless the terms of the instrument creating a power of appointment manifest a contrary intent, a powerholder of a nongeneral power may exercise the power in favor of, or create a new power of appointment in, a descendant of a deceased permissible appointee whether or not the descendant is described by the donor as a permissible appointee.*

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in Section 15 of this Act, an exercise of a power of appointment in favor of an impermissible appointee is ineffective.*
- (2) *An exercise of a power of appointment in favor of a permissible appointee is ineffective to the extent the appointment is a fraud on the power.*

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*If a powerholder exercises a power of appointment in a disposition that also disposes of property the powerholder owns, the owned and appointive property shall be allocated in the permissible manner that best carries out the powerholder's intent.*

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*To the extent a powerholder of a general power of appointment, other than a power to revoke, amend, or withdraw property from a trust, makes an ineffective appointment:*

- (1) *The gift-in-default clause controls the disposition of the ineffectively appointed property; or*
- (2) *If there is no gift-in-default clause or to the extent the clause is ineffective, the ineffectively appointed property:*
- (a) *Passes to:*
    - 1. *The powerholder if the powerholder is a permissible appointee and living; or*
    - 2. *If the powerholder is an impermissible appointee or not living, the powerholder's estate if the estate is a permissible appointee; or*
  - (b) *If there is no taker under paragraph (a) of this subsection, passes under a reversionary interest to the donor or the donor's transferee or successor in interest.*

➔SECTION 19. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*To the extent a powerholder releases or fails to exercise a general power of appointment other than a power to revoke, amend, or withdraw property from a trust:*

- (1) *The gift-in-default clause controls the disposition of the unappointed property; or*
- (2) *If there is no gift-in-default clause or to the extent the clause is ineffective:*
  - (a) *Except as otherwise provided in paragraph (b) of this subsection, the unappointed property passes to:*
    - 1. *The powerholder if the powerholder is a permissible appointee and living; or*
    - 2. *If the powerholder is an impermissible appointee or not living, the powerholder's estate if the estate is a permissible appointee; or*
  - (b) *To the extent the powerholder released the power, or if there is no taker under paragraph (a) of this subsection, the unappointed property passes under a reversionary interest to the donor or the donor's transferee or successor in interest.*

➔SECTION 20. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*To the extent a powerholder releases, ineffectively exercises, or fails to exercise a nongeneral power of appointment:*

- (1) *The gift-in-default clause controls the disposition of the unappointed property; or*
- (2) *If there is no gift-in-default clause or to the extent the clause is ineffective, the unappointed property:*
  - (a) *Passes to the permissible appointees if:*
    - 1. *The permissible appointees are defined and limited; and*
    - 2. *The terms of the instrument creating the power do not manifest a contrary intent; or*
  - (b) *If there is no taker under paragraph (a) of this subsection, passes under a reversionary interest to the donor or the donor's transferee or successor in interest.*

➔SECTION 21. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*Unless the terms of the instrument creating or exercising a power of appointment manifest a contrary intent, if the powerholder makes a valid partial appointment to a taker in default of appointment, the taker in default of appointment may share fully in unappointed property.*

➔SECTION 22. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*If a powerholder makes an appointment to a taker in default of appointment and the appointee would have taken the property under a gift-in-default clause had the property not been appointed, the power of appointment is deemed not to have been exercised, and the appointee takes under the clause.*

➔SECTION 23. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder may revoke or amend an exercise of a power of appointment only to the extent that:*

- (1) *The powerholder reserves a power of revocation or amendment in the instrument exercising the power of appointment and, if the power is nongeneral, the terms of the instrument creating the power of appointment do not prohibit the reservation; or*
- (2) *The terms of the instrument creating the power of appointment provide that the exercise is revocable or amendable.*

➔SECTION 24. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*As provided in KRS 394.035 and 394.610 to 394.670:*

- (1) *A powerholder may disclaim all or part of a power of appointment; and*
- (2) *A permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.*

➔SECTION 25. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder may release a power of appointment, in whole or in part, except to the extent the terms of the instrument creating the power prevent the release.*

➔SECTION 26. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder of a releasable power of appointment may release the power in whole or in part:*

- (1) *By substantial compliance with a method provided in the terms of the instrument creating the power; or*
- (2) *If the terms of the instrument creating the power do not provide a method or the method provided in the terms of the instrument is not expressly made exclusive, by a record manifesting the powerholder's intent by clear and convincing evidence.*

➔SECTION 27. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder may revoke or amend a release of a power of appointment only to the extent that:*

- (1) *The instrument of release is revocable by the powerholder; or*
- (2) *The powerholder reserves a power of revocation or amendment in the instrument of release.*

➔SECTION 28. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder of a presently exercisable power of appointment may contract:*

- (1) *Not to exercise the power; or*
- (2) *To exercise the power if the contract when made does not confer a benefit on an impermissible appointee.*

➔SECTION 29. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*A powerholder of a power of appointment that is not presently exercisable may contract to exercise or not to exercise the power only if the powerholder:*

- (1) *Is also the donor of the power; and*
- (2) *Has reserved the power in a revocable trust.*

➔SECTION 30. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*The remedy for a powerholder's breach of a contract to appoint or not to appoint is limited to damages payable out of the appointive property or, if appropriate, specific performance of the contract.*

➔SECTION 31. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "power of appointment created by the powerholder" includes a power of appointment created in a transfer by another person to the extent the powerholder contributed value to the transfer.*
- (2) *Appointive property subject to a general power of appointment created by the powerholder is subject to a claim of a creditor of the powerholder or of the powerholder's estate to the extent provided in KRS Chapter 378A.*
- (3) *Subject to subsection (2) of this section, appointive property subject to a general power of appointment created by the powerholder is not subject to a claim of a creditor of the powerholder or the powerholder's estate to the extent the powerholder irrevocably appointed the property in favor of a person other than the powerholder or the powerholder's estate.*
- (4) *Subject to subsections (2) and (3) of this section, and notwithstanding the presence of a spendthrift provision or whether the claim arose before or after the creation of the power of appointment, appointive property subject to a general power of appointment created by the powerholder is subject to a claim of a creditor of:*
  - (a) *The powerholder, to the same extent as if the powerholder owned the appointive property, if the power is presently exercisable; and*
  - (b) *The powerholder's estate, to the extent the estate is insufficient to satisfy the claim and subject to the right of a decedent to direct the source from which liabilities are paid, if the power is exercisable at the powerholder's death.*

➔SECTION 32. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *Appointive property subject to a general power of appointment created by a person other than the powerholder is not subject to a claim of a creditor of the powerholder or the powerholder's estate.*
- (2) *A power of appointment created by a person other than the powerholder which is subject to an ascertainable standard relating to an individual's health, education, support, or maintenance within the*

*meaning of 26 U.S.C. sec. 2041(b)(1)(A) or 2514(c)(1), as amended, is treated for purposes of this chapter as a nongeneral power.*

➔SECTION 33. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in subsection (2) of this section, appointive property subject to a nongeneral power of appointment is exempt from a claim of a creditor of the powerholder or the powerholder's estate.*
- (2) *Appointive property subject to a nongeneral power of appointment is subject to a claim of a creditor of the powerholder or the powerholder's estate to the extent that the powerholder owned the property and, reserving the nongeneral power, transferred the property in violation of KRS Chapter 378A.*

➔SECTION 34. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*In applying and construing the Uniform Powers of Appointment Act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

➔SECTION 35. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that Act, 15 U.S.C. sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. sec. 7003(b).*

➔SECTION 36. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in this chapter, on and after the effective date of this Act:*
  - (a) *This chapter applies to a power of appointment created before, on, or after the effective date of this Act;*
  - (b) *This chapter applies to a judicial proceeding concerning a power of appointment commenced on or after the effective date of this Act;*
  - (c) *This chapter applies to a judicial proceeding concerning a power of appointment commenced before the effective date of this Act, unless the court finds that application of a particular provision of this chapter would substantially interfere with the effective conduct of the judicial proceeding or prejudice a right of a party, in which case the particular provision of this chapter does not apply and the superseded law applies;*
  - (d) *A rule of construction or presumption provided in this chapter applies to an instrument executed before the effective date of this Act, unless there is a clear indication of a contrary intent in the terms of the instrument; and*
  - (e) *An act done before the effective date of this Act is not affected by this chapter.*
- (2) *If a right is acquired, extinguished, or barred on the expiration of a prescribed period that commenced under law of the Commonwealth other than this chapter, before the effective date of this Act, the law continues to apply to the right.*

➔SECTION 37. A NEW SECTION OF KRS CHAPTER 390 IS CREATED TO READ AS FOLLOWS:

*This chapter may be cited as the Uniform Powers of Appointment Act.*

➔Section 38. KRS 381.225 is amended to read as follows:

- (1) (a) A future interest or trust is void if it suspends the power of alienation for longer than the permissible period. The power of alienation is the power to convey to another an absolute fee in possession of land, or full ownership of personalty. The permissible period is within twenty-one (21) years after the death of an individual or individuals then alive.
- (b) If the settlor of an inter vivos trust has an unlimited power to revoke, the permissible period is computed from the termination of that power.
- (c) If a future property interest or trust is created by exercise of a power of appointment, the permissible period is computed from the time the power is exercised if the power is a general power exercisable in favor of the donee, the donee's estate, the donee's creditors, or the creditors of the donee's estate, whether or not it is exercisable in favor of others, and even if the general power is exercisable only by will; in the case of other powers, the permissible period is computed from the time the power is created,

*unless the instrument exercising the power provides that the period is computed from the date the power is irrevocably exercised*, but facts at the time the power is exercised are considered in determining whether the power of alienation is suspended beyond the death of an individual or individuals alive at the time of creation of the power plus twenty-one (21) years.

- (2) The power of alienation is suspended when there are no persons who, alone or in combination with others, can convey an absolute fee in possession of land, or full ownership of personalty.
- (3) There is no suspension of the power of alienation by a trust or by equitable interests under a trust if the trustee has power to sell, either expressed or implied, or if there is a power to terminate the trust by distributing the property subject to the trust to the beneficiaries in fee simple in one (1) or more persons then living.
- (4) This section does not apply to limit any of the following:
  - (a) Transfers, outright or in trust, for charitable purposes;
  - (b) Transfers to one (1) or more charitable organizations as described in 26 U.S.C. secs. 170(c), 2055(a), and 2522(a), or any similar statute;
  - (c) A future interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of:
    - 1. A premarital or post-marital agreement;
    - 2. A separation or divorce settlement;
    - 3. An arrangement similar to subparagraph 1. or 2. of this paragraph arising out of a prospective, existing, or previous marital relationship between the parties;
    - 4. A contract to make or revoke a will or trust;
    - 5. A contract to exercise or not to exercise a power of appointment;
    - 6. A transfer in satisfaction of a duty of support; or
    - 7. A reciprocal transfer;
  - (d) A transfer to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one (1) or more employees, independent contractors, or their beneficiaries or spouses, to which contributions are made for the purposes of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income, or principal in the trust or other property arrangement; or
  - (e) A property interest, power of appointment, or arrangement that was not subject to the common law rule against perpetuities or is excluded by another statute of this Commonwealth.

➔Section 39. KRS 381.226 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, KRS 381.224 and 381.225 shall apply to:
  - (a) A future property interest or a power of appointment that is created on or after July 15, 2010, including a property interest or power of appointment created pursuant to the exercise of a power of appointment under an instrument executed prior to July 15, 2010; or
  - (b) A future property interest or a power of appointment:
    - 1. That is created pursuant to the laws of any state that does not have a rule against perpetuities in force;
    - 2. That is not covered by any previously existing rule against perpetuities; and
    - 3. To which, after July 15, 2010, the laws of this state are made applicable by transfer of the situs of a trust to Kentucky, by a change in the law governing a trust instrument to Kentucky law, or otherwise.
- (2) With respect to a nonvested property interest or a power of appointment created either before or after July 15, 2010, which is determined in a judicial proceeding commenced on or after July 15, 2010, to violate Kentucky's rule against perpetuities as that rule existed at the time the interest or power was created, a court upon the petition of an interested person may reform the disposition in the manner that most closely approximates the



transferor's manifested plan of disposition and is within the limits of the rule against perpetuities applicable when the nonvested property interest or power of appointment was created.

- (3) For purposes of this section only, a future property interest or a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.
- (4) An instrument which contains a provision requiring the vesting of all interests created by the instrument within the period provided by the common law rule against perpetuities shall be construed as requiring the interests to vest within the period specified by this section and KRS 381.224 and 381.225, unless the provision is determined by a court to have been included in the instrument for reasons other than protecting the interest against a violation of the common law rule against perpetuities. For purposes of this subsection, the term "common law rule against perpetuities" shall include KRS 381.215, 381.216, and 381.217 prior to their repeal on July 15, 2010. ***This subsection does not apply to any interest in property created by the exercise of the special power of appointment granted by an instrument that was irrevocable on September 25, 1985.***

➔Section 40. The following KRS sections are repealed:

386.095 Execution and delivery of releases of powers exercisable by deed, will or otherwise.

394.060 Devise or bequest extends to an execution of power.

394.070 Appointment by will in exercise of a power -- When valid.

➔Section 41. KRS 457.030 is amended to read as follows:

This chapter applies to all powers of attorney except:

- (1) A power to the extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;
- (2) A power to make health-care decisions including but not limited to health-care decisions outlined in KRS 311.621 to 311.643, unless the power of attorney otherwise provides;
- (3) Proxy or other delegation to exercise voting rights or management rights with respect to an entity, unless the power of attorney otherwise provides;
- (4) A power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose, unless the power of attorney otherwise provides;
- (5) A power for reciprocal insurers as detailed in Subtitle 27 of KRS Chapter 304;
- (6) A power given by a member of the United States Armed Forces, a person serving as a merchant seaman, or a person outside the United States in connection with war activities as detailed in KRS Chapter 384;~~and~~
- (7) A power for the temporary delegation of parental rights as detailed in KRS 403.352 and 403.353; ***and***
- (8) ***A power granted to a motor vehicle dealer licensed pursuant to KRS 190.030, or an authorized insurer in this state, or the insurer's agent, for the purpose of facilitating the transfer of ownership or title to a motor vehicle, regardless of whether such power is an original, photocopy, or facsimile.***

➔Section 42. KRS 457.050 is amended to read as follows:

- (1) A power of attorney ~~shall~~~~must~~ be signed~~in the presence of two (2) disinterested witnesses~~ by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney. If signed in the principal's conscious presence by another individual, the reason for this method of signing shall be stated in the power of attorney.
- (2) A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

➔SECTION 43. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

- (1) ***An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:***
  - (a) ***Create, amend, revoke, or terminate an inter vivos trust;***
  - (b) ***Make a gift;***

- (c) *Create or change rights of survivorship;*
  - (d) *Create or change a beneficiary designation;*
  - (e) *Delegate authority granted under the power of attorney;*
  - (f) *Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;*
  - (g) *Exercise fiduciary powers that the principal has authority to delegate; or*
  - (h) *Exercise authority over the content of electronic communications, as defined in 18 U.S.C. Section 2510(12), as amended, sent or received by the principal.*
- (2) *Notwithstanding a grant of authority to do an act described in subsection (1) of this section, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse, or descendant of the principal, may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.*
  - (3) *Subject to subsections (1), (2), (4), and (5) of this section, if a power of attorney grants to an agent authority to do all acts that a principal could do, the agent has the general authority described in Sections 46 to 58 of this Act.*
  - (4) *Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to Section 59 of this Act.*
  - (5) *Subject to subsections (1), (2), and (4) of this section, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.*
  - (6) *Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this state and whether or not the authority is exercised or the power of attorney is executed in this state.*
  - (7) *An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.*

➔SECTION 44. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

- (1) *An agent has authority described in Sections 43 to 59 of this Act if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in Sections 46 to 58 of this Act or cites the section in which the authority is described.*
- (2) *A reference in a power of attorney to general authority with respect to the descriptive term for a subject in Sections 46 to 58 of this Act or a citation to a section of Sections 46 to 58 of this Act incorporates the entire section as if it were set out in full in the power of attorney.*
- (3) *A principal may modify authority incorporated by reference.*

➔SECTION 45. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in Sections 46 to 58 of this Act or that grants to an agent authority to do all acts that a principal could do pursuant to subsection (3) of Section 43(3) of this Act, a principal authorizes the agent, with respect to that subject, to:*

- (1) *Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;*
- (2) *Contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;*
- (3) *Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of the principal's property and attaching it to the power of attorney;*

- (4) *Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;*
- (5) *Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in the power of attorney;*
- (6) *Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;*
- (7) *Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;*
- (8) *Communicate with any representative or employee of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;*
- (9) *Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and*
- (10) *Do any lawful act with respect to the subject and all property related to the subject.*

➔SECTION 46. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:*

- (1) *Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property;*
- (2) *Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property;*
- (3) *Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;*
- (4) *Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property which exists or is asserted;*
- (5) *Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:*
  - (a) *Insuring against liability or casualty or other loss;*
  - (b) *Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;*
  - (c) *Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and*
  - (d) *Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property;*
- (6) *Use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;*
- (7) *Participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:*
  - (a) *Selling or otherwise disposing of them;*
  - (b) *Exercising or selling an option, right of conversion, or similar right with respect to them; and*
  - (c) *Exercising any voting rights in person or by proxy;*
- (8) *Change the form of title of an interest in or right incident to real property; and*

- (9) *Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.*

➔SECTION 47. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:*

- (1) *Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property;*
- (2) *Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or, otherwise dispose of tangible personal property or an interest in tangible personal property;*
- (3) *Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;*
- (4) *Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property;*
- (5) *Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:*
  - (a) *Insuring against liability or casualty or other loss;*
  - (b) *Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;*
  - (c) *Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;*
  - (d) *Moving the property from place to place;*
  - (e) *Storing the property for hire or on a gratuitous bailment; and*
  - (f) *Using and making repairs, alterations, or improvements to the property; and*
- (6) *Change the form of title of an interest in tangible personal property.*

➔SECTION 48. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks and bonds authorizes the agent to:*

- (1) *Buy, sell, and exchange stocks and bonds;*
- (2) *Establish, continue, modify, or terminate an account with respect to stocks and bonds;*
- (3) *Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal;*
- (4) *Receive certificates and other evidences of ownership with respect to stocks and bonds; and*
- (5) *Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.*

➔SECTION 49. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to commodities and options authorizes the agent to:*

- (1) *Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange; and*
- (2) *Establish, continue, modify, and terminate option accounts.*

➔SECTION 50. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:*

- (1) *Continue, modify, and terminate an account or other banking arrangement made by or on behalf of the principal;*
- (2) *Establish, modify, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent;*
- (3) *Contract for services available from a financial institution, including renting a safe deposit box or space in a vault;*
- (4) *Withdraw, by check, order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;*
- (5) *Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them;*
- (6) *Enter a safe deposit box or vault and withdraw or add to the contents;*
- (7) *Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;*
- (8) *Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon the principal and pay it when due;*
- (9) *Receive for the principal and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;*
- (10) *Apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit; and*
- (11) *Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.*

➔SECTION 51. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Subject to the terms of a document or an agreement governing an entity or an entity ownership interest, and unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:*

- (1) *Operate, buy, sell, enlarge, reduce, or terminate an ownership interest;*
- (2) *Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that the principal has, may have, or claims to have;*
- (3) *Enforce the terms of an ownership agreement;*
- (4) *Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest;*
- (5) *Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of stocks and bonds;*
- (6) *Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds;*
- (7) *With respect to an entity or business owned solely by the principal:*
  - (a) *Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of the power of attorney;*
  - (b) *Determine:*
    1. *The location of its operation;*
    2. *The nature and extent of its business;*
    3. *The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in its operation;*

4. *The amount and types of insurance carried; and*
5. *The mode of engaging, compensating, and dealing with its employees and accountants, attorneys, or other advisors;*
- (c) *Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and*
- (d) *Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business;*
- (8) *Put additional capital into an entity or business in which the principal has an interest;*
- (9) *Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business;*
- (10) *Sell or liquidate all or part of an entity or business;*
- (11) *Establish the value of an entity or business under a buy-out agreement to which the principal is a party;*
- (12) *Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments; and*
- (13) *Pay, compromise, or contest taxes, assessments, fines, or penalties and perform any other act to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.*

➔SECTION 52. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:*

- (1) *Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract;*
- (2) *Procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment;*
- (3) *Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent;*
- (4) *Apply for and receive a loan secured by a contract of insurance or annuity;*
- (5) *Surrender and receive the cash surrender value on a contract of insurance or annuity;*
- (6) *Exercise an election;*
- (7) *Exercise investment powers available under a contract of insurance or annuity;*
- (8) *Change the manner of paying premiums on a contract of insurance or annuity;*
- (9) *Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section;*
- (10) *Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;*
- (11) *Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity;*
- (12) *Elect the form and timing of the payment of proceeds from a contract of insurance or annuity; and*
- (13) *Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.*

➔SECTION 53. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

- (1) *In this section, "estate, trust, or other beneficial interest" means a trust, probate estate, guardianship, conservatorship, escrow, or custodianship or a fund from which the principal is, may become, or claims to be, entitled to a share or payment.*
- (2) *Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts, and other beneficial interests authorizes the agent to:*
  - (a) *Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from an estate, trust, or other beneficial interest;*
  - (b) *Demand or obtain money or another thing of value to which the principal is, may become, or claims to be, entitled by reason of an estate, trust, or other beneficial interest, by litigation or otherwise;*
  - (c) *Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal;*
  - (d) *Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal;*
  - (e) *Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary;*
  - (f) *Conserve, invest, disburse, or use anything received for an authorized purpose;*
  - (g) *Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor; and*
  - (h) *Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from an estate, trust, or other beneficial interest.*

➔SECTION 54. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent to:*

- (1) *Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief;*
- (2) *Bring an action to determine adverse claims or intervene or otherwise participate in litigation;*
- (3) *Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree;*
- (4) *Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation;*
- (5) *Submit to alternative dispute resolution, settle, and propose or accept a compromise;*
- (6) *Waive the issuance and service of process upon the principal, accept service of process, appear for the principal, designate persons upon which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation;*
- (7) *Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee which affects an interest of the principal in property or other thing of value;*
- (8) *Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and*

- (9) *Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.*

➔SECTION 55. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

- (1) *Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:*

- (a) *Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when the power of attorney is executed or later born:*

1. *The principal's children;*
2. *Other individuals legally entitled to be supported by the principal; and*
3. *The individuals whom the principal has customarily supported or indicated the intent to support;*

- (b) *Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;*

- (c) *Provide living quarters for the individuals described in paragraph (a) of this subsection by:*

1. *Purchase, lease, or other contract; or*
2. *Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals;*

- (d) *Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described in paragraph (a) of this subsection;*

- (e) *Pay expenses for necessary health care and custodial care on behalf of the individuals described in paragraph (a) of this subsection;*

- (f) *Act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, Sections 1171 through 1179 of the Social Security Act, 42 U.S.C. Section 1320d, as amended, and applicable regulations, in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this state to consent to health care on behalf of the principal;*

- (g) *Continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing them, for the individuals described in paragraph (a) of this subsection;*

- (h) *Maintain credit and debit accounts for the convenience of the individuals described in paragraph (a) of this subsection and open new accounts; and*

- (i) *Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations.*

- (2) *Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under this chapter.*

➔SECTION 56. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

- (1) *In this section, "benefits from governmental programs or civil or military service" means any benefit, program or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid.*

- (2) *Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to benefits from governmental programs or civil or military service authorizes the agent to:*

- (a) *Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in subsection (1)(a) of Section 55 of this Act, and for shipment of their household effects;*



- (b) *Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose;*
- (c) *Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program;*
- (d) *Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation;*
- (e) *Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning any benefit or assistance the principal may be entitled to receive under a statute or regulation; and*
- (f) *Receive the financial proceeds of a claim described in paragraph (d) of this subsection and conserve, invest, disburse, or use for a lawful purpose anything so received.*

➔SECTION 57. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

- (1) *In this section, "retirement plan" means a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:*
  - (a) *An individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. Section 408, as amended;*
  - (b) *A Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. Section 408A, as amended;*
  - (c) *A deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. Section 408(q), as amended;*
  - (d) *An annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. Section 403(b), as amended;*
  - (e) *A pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. Section 401(a), as amended;*
  - (f) *A plan under Internal Revenue Code Section 457(b), 26 U.S.C. Section 457(b), as amended; and*
  - (g) *A nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. Section 409A, as amended.*
- (2) *Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to retirement plans authorizes the agent to:*
  - (a) *Select the form and timing of payments under a retirement plan and withdraw benefits from a plan;*
  - (b) *Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one (1) retirement plan to another;*
  - (c) *Establish a retirement plan in the principal's name;*
  - (d) *Make contributions to a retirement plan;*
  - (e) *Exercise investment powers available under a retirement plan; and*
  - (f) *Borrow from, sell assets to, or purchase assets from a retirement plan.*

➔SECTION 58. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:*

- (1) *Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and any other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. Section 2032A,*

*as amended, closing agreements, and any power of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following twenty five (25) tax years;*

- (2) *Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority;*
- (3) *Exercise any election available to the principal under federal, state, local, or foreign tax law; and*
- (4) *Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.*

➔SECTION 59. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

- (1) *In this section, a gift "for the benefit of" a person includes a gift to a trust, an account under the Uniform Transfers to Minors Act (1983/1986), and a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code Section 529, 26 U.S.C. Section 529, as amended.*
- (2) *Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to gifts authorizes the agent only to:*
  - (a) *Make outright to, or for the benefit of, a person, a gift of any of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), 26 U.S.C. Section 2503(b), as amended, without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, 26 U.S.C. 2513, as amended, in an amount per donee not to exceed twice the annual federal gift tax exclusion limit; and*
  - (b) *Consent, pursuant to Internal Revenue Code Section 2513, 26 U.S.C. Section 2513, as amended, to the splitting of a gift made by the principal's spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.*
- (3) *An agent may make a gift of the principal's property only as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:*
  - (a) *The value and nature of the principal's property;*
  - (b) *The principal's foreseeable obligations and need for maintenance;*
  - (c) *Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;*
  - (d) *Eligibility for a benefit, a program, or assistance under a statute or regulation; and*
  - (e) *The principal's personal history of making or joining in making gifts.*

➔Section 60. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*Nothing in this chapter shall be construed to authorize an agent appointed pursuant to a power of attorney to act or make decisions on behalf of the principal which are not related to the principal's property or finances.*

➔SECTION 61. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter:*

#### **KENTUCKY**

#### **STATUTORY FORM POWER OF ATTORNEY**

#### **IMPORTANT INFORMATION**

*This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act in KRS Chapter 457.*

*This power of attorney does not authorize the agent to make health-care decisions for you.*

*You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.*

*Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.*

*This form provides for designation of one (1) agent. If you wish to name more than one (1) agent you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.*

*If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.*

*This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.*

*If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.*

#### DESIGNATION OF AGENT

I \_\_\_\_\_ name the following person as my agent:

(Name of Principal)

Name of Agent:

Agent's Address:

Agent's Telephone Number

#### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

*If my agent is unable or unwilling to act for me, I name as my successor agent:*

Name of Successor Agent:

Successor Agent's Address:

Successor Agent's Telephone Number:

*If my successor agent is unwilling or unable to act for me, I name as my second successor agent:*

Name of Second Successor Agent:

Second Successor Agent's Address:

Second Successor Agent's Telephone Number:

#### GRANT OF GENERAL AUTHORITY

*I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act in KRS Chapter 457:*

*(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)*

( ) Real Property

( ) Tangible Personal Property

( ) Stocks and Bonds

( ) Commodities and Options

( ) Banks and Other Financial Institutions

( ) Operation of Entity or Business

( ) Insurance and Annuities

( ) Estates, Trusts, and Other Beneficial Interests

( ) Claims and Litigation

( ) Personal and Family Maintenance

☐ *Benefits from Governmental Programs or Civil or Military Service*

☐ *Retirement Plans*

☐ *Taxes*

☐ *All Preceding Subjects*

#### **GRANT OF SPECIFIC AUTHORITY (OPTIONAL)**

*My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:*

*(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)*

☐ *Create, amend, revoke, or terminate an inter vivos trust*

☐ *Make a gift, subject to the limitations of the Uniform Power of Attorney Act in Section 59 of this Act and any special instructions in this power of attorney*

☐ *Create or change rights of survivorship*

☐ *Create or change a beneficiary designation*

☐ *Authorize another person to exercise the authority granted under this power of attorney*

☐ *Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan*

☐ *Exercise fiduciary powers that the principal has authority to delegate*

☐ *Access the content of electronic communications*

#### **LIMITATION ON AGENT'S AUTHORITY**

*An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.*

#### **SPECIAL INSTRUCTIONS (OPTIONAL)**

*You may give special instructions on the following lines:*

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#### **EFFECTIVE DATE**

*This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.*

#### **NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)**

*If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate the following person(s) for appointment:*

*Name of Nominee for conservator of my estate:*

*Nominee's Address:*

*Nominee's Telephone Number:*

*Name of Nominee for guardian of my person:*

*Nominee's Address:*

*Nominee's Telephone Number:*

#### **RELIANCE ON THIS POWER OF ATTORNEY**

*Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.*

### **SIGNATURE AND ACKNOWLEDGMENT**

*Your Signature*

*Date*

*Your Name Printed*

*Your Address*

*Your Telephone Number*

*State of* \_\_\_\_\_

*County of* \_\_\_\_\_

*This document was acknowledged before me on*

*(Date)*

*by* \_\_\_\_\_.

*(Name of Principal)*

*(Seal, if any)*

*Signature of Notary*

*My commission expires:* \_\_\_\_\_

*This document prepared by:*

\_\_\_\_\_  
\_\_\_\_\_

### **IMPORTANT INFORMATION FOR AGENT**

#### ***Agent's Duties***

*When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:*

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;*
- (2) Act in good faith;*
- (3) Do nothing beyond the authority granted in this power of attorney; and*
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:*

*(Principal's Name) by (Your Signature) as Agent*

*Unless the Special Instructions in this power of attorney state otherwise, you must also:*

- (1) Act loyally for the principal's benefit;*
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;*
- (3) Act with care, competence, and diligence;*
- (4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;*
- (5) Cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and*
- (6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.*

### **TERMINATION OF AGENT'S AUTHORITY**

*You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:*

- (1) Death of the principal;*
- (2) The principal's revocation of the power of attorney or your authority;*
- (3) The occurrence of a termination event stated in the power of attorney;*
- (4) The purpose of the power of attorney is fully accomplished; or*
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.*

#### **LIABILITY OF AGENT**

*The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act in KRS Chapter 457. If you violate the Uniform Power of Attorney Act under KRS Chapter 457 or act outside the authority granted, you may be liable for any damages caused by your violation.*

➔SECTION 62. A NEW SECTION OF KRS CHAPTER 457 IS CREATED TO READ AS FOLLOWS:

*The following optional form may be used by an agent to certify facts concerning a power of attorney:*

#### **AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY**

State of \_\_\_\_\_

County of \_\_\_\_\_

I, \_\_\_\_\_ (Name of Agent), certify under penalty of perjury that  
\_\_\_\_\_ (Name of Principal) granted me authority as an agent or  
successor agent in a power of attorney dated \_\_\_\_\_.

*I further certify that to my knowledge:*

- (1) The Principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;*
- (2) If the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;*
- (3) If I was named as a successor agent, the prior agent is no longer able or willing to serve; and*
- (4) \_\_\_\_\_*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Insert other relevant statements)*

#### **SIGNATURE AND ACKNOWLEDGMENT**

\_\_\_\_\_  
*Agent's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Agent's Name Printed*

\_\_\_\_\_  
*Agent's Address*

\_\_\_\_\_

*Agent's Telephone Number*

*This document was acknowledged before me on \_\_\_\_\_,*

*(Date)*

*by \_\_\_\_\_.*

*(Name of Agent)*

\_\_\_\_\_*(Seal, if any)*

*Signature of Notary*

*My commission expires: \_\_\_\_\_*

*This document prepared by:*

\_\_\_\_\_

➔SECTION 63. KRS 457.240 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS CHAPTER 457 TO READ AS FOLLOWS:

***In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.***

➔SECTION 64. KRS 457.250 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS CHAPTER 457 TO READ AS FOLLOWS:

*This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. secs. 7001 et seq., but does not modify, limit, or supersede sec. 101(c) of that act, 15 U.S.C. sec. 7001(c), or authorize electronic delivery of any of the notices described in sec. 103(b) of that act, 15 U.S.C. sec. 7003(b).*

➔SECTION 65. KRS 457.260 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS CHAPTER 457 TO READ AS FOLLOWS:

*Except as otherwise provided in this chapter, on the effective date of this Act:*

- (1) This chapter applies to a power of attorney created before, on, or after the effective date of this Act;*
- (2) This chapter applies to a judicial proceeding concerning a power of attorney commenced on or after the effective date of this Act;*
- (3) This chapter applies to a judicial proceeding concerning a power of attorney commenced before the effective date of this Act, unless the court finds that application of a provision of this chapter would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies; and*
- (4) An act done before the effective date of this Act, is not affected by this chapter.*

**Signed by Governor March 27, 2020.**

## CHAPTER 42

**( HB 276 )**

AN ACT relating to licensing.

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

➔Section 1. KRS 186.041 is amended to read as follows:

- (1) Each initial and renewal application by a person who meets the criteria of paragraph (a) of this section and each initial application by a person who meets the criteria of paragraph (b), (c), or (d) of this section for a special military license plate shall be accompanied by proof **as set forth in subsection (10) of this section** that the person is associated with the United States Army, United States Navy, United States Air Force, United*

States Marine Corps, United States Coast Guard, United States Coast Guard Auxiliary, Kentucky National Guard, Merchant Marines with service between December 7, 1941, and August 15, 1945, or Civil Air Patrol in one (1) of the following ways:

- (a) ***A member of the Armed Forces of the United States***~~[An active component member];~~
  - (b) A retired member;
  - (c) A member of the National Guard or Reserve component who has completed his or her term of service, or has retired with a minimum of twenty (20) years of service; or
  - (d) A veteran who received a discharge under honorable conditions, or the veteran's ***surviving spouse***~~[widow]~~ and:
    - 1. Performed one hundred eighty (180) days of active-duty service;
    - 2. Received an early release due to injuries or other medical condition, or at the convenience of the service;
    - 3. Received a hardship discharge;
    - 4. Was separated or retired due to a disability; or
    - 5. Was determined to have a service-connected disability incurred during the enlistment.
- (2) The member, retired member, veteran, ~~for~~ reservist, ***or his or her spouse who is eligible under subsection (9) of this section*** may purchase an unlimited number of special military-related license plates described in subsection (1) of this section, annually for vehicles they own or lease. A disabled veterans license plate shall expire on July 31.
- (3) A recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross shall be eligible for a Service Cross license plate upon submission of an application to the Kentucky Department of Veterans' Affairs. The recipient shall be required to include with the initial application for a Service Cross license plate a copy of the general order that authorized the award and the recipient's Department of Defense form number 214. The Department of Veterans' Affairs shall verify the documentation submitted with the application for a Service Cross license plate, and if the individual applying for the plate is confirmed to be a recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross, the Department of Veterans' Affairs shall submit the applicant's name to the Transportation Cabinet's Division of Motor Vehicle Licensing not later than September 1 preceding the year that the Service Cross license plate is to be initially issued or renewed. When the Service Cross license plate is ready, the plate shall be sent to the county clerk in the county of the applicant's residence. The Transportation Cabinet's Division of Motor Vehicle Licensing shall inform each applicant in writing that the Service Cross license plate is ready and may be picked up at the county clerk's office. The Transportation Cabinet shall prescribe the type of application form required by this subsection and shall supply the Department of Veterans' Affairs with the application form required by this subsection.
- (4) A person who is a former prisoner of the enemy during World War I, World War II, the Korean War, or the Vietnam War, or the spouse of a deceased former prisoner of war, shall be eligible for a former prisoner of war license plate by submitting written proof from the United States Department of Veterans Affairs or other appropriate federal agency stating the period of time the person or person's spouse was a prisoner of war. If a former prisoner of war dies with a vehicle licensed as authorized under this section, the person's surviving spouse may retain the license plate for use on the same vehicle or on another vehicle that complies with KRS 186.164(7).
- (5) A person who is certified by the Kentucky chapter of the Pearl Harbor Survivors Association as being a survivor of the attack on Pearl Harbor shall be eligible for a Pearl Harbor license plate and shall be required to attach to the special military-related license plate application written evidence from the Kentucky chapter of the Pearl Harbor Survivors Association that the person:
- (a) Was a member of the United States Armed Forces on December 7, 1941;
  - (b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m., Hawaii time, at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles;
  - (c) Was discharged honorably from the United States Armed Forces; and
  - (d) Is certified by the Kentucky chapter of the Pearl Harbor Survivors Association.



- (6) A person who is eligible to receive a Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plate under KRS 186.164(15)(a) may receive up to two (2) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates free of charge and may purchase additional license plates by paying the same fee as for special military-related plates issued under KRS 186.162(2)(d) annually for vehicles he or she owns or leases.
- (7) The surviving spouse of a Purple Heart recipient, or a Kentucky National Guard member or a retired member, who possessed a vehicle licensed with the Purple Heart recipient special license plate or the Kentucky National Guard special license plate, may retain the license plate for use on the same vehicle or another vehicle that complies with KRS 186.164(7). The surviving spouse may renew the license plate indefinitely, provided the appropriate registration fee is paid annually.
- (8) A person who is attending or who is a graduate of the United States Air Force Academy, the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy shall be eligible for a special military service academy license plate. A special military service academy license plate under this subsection shall use the same plate template as the standard special military license plate under subsection (1) of this section, with stickers to identify the various service academies. The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish the proof required to demonstrate current attendance at or graduation from a service academy. An eligible applicant may receive up to two (2) special military service academy license plates.
- (9) *The legally married spouse of a member of the Armed Forces of the United States who meets the criteria for a special military license plate under subsection (1) of this section shall be eligible for a special military license plate. A special military license plate under this subsection shall use the same template as the standard special military license plate under subsection (1) of this section, with a sticker identifying the plate as that of a military spouse.*
- (10) *Prior to receiving a special military-related plate requested under subsection (1) of this section, the applicant shall present one (1) of the following as proof of veteran status:*
  - (a) *An original or copy of his or her Veteran Identification Card or Veteran Health Identification Card issued by the United States Department of Veterans Affairs, or a DD-214, DD-256, DD-257, or NGB-22 form; or*
  - (b) *A current military or Geneva Conventions identification card establishing current service, dependent status, or retirement status in the Armed Forces of the United States.*

➔Section 2. KRS 186.416 is amended to read as follows:

- (1) If a resident of the Commonwealth currently serving in the United States military is stationed or assigned to a base or other location outside the boundaries of the Commonwealth, the resident, or the resident's spouse or dependents, may renew a Class D operator's license issued under this section by mail. If the resident, or his or her spouse or dependents, was issued an "under 21" operator's license, upon the date of the license holder's twenty-first birthday, the "under 21" operator's license may be renewed for an operator's license that no longer contains the outdated reference to being "under 21."
- (2) A resident of the Commonwealth renewing an operator's license by mail under subsection (1) of this section may have a personal designee apply to the circuit clerk on behalf of the resident to renew the resident's operator's license. An operator's license being renewed by mail under subsection (1) of this section shall be issued a license without a photograph if there is no photo on file. If there is no photo on file, the license shall show in the space provided for the photograph the legend "valid without photo and signature."
- (3)
  - (a)
    - 1. If a resident of the Commonwealth has been serving in the United States military stationed or assigned to a base or other location outside the boundaries of the Commonwealth and has allowed his or her operator's license to expire, he or she shall, within ninety (90) days of returning to the Commonwealth, be permitted to renew his or her license without having to take a written test or road test.
    - 2. The spouse or dependent of a person identified in subparagraph 1. of this paragraph shall be afforded the same consideration identified in that subparagraph regarding the renewal of an expired operator's license.
  - (b) A person who meets the criteria in paragraph (a) of this subsection shall not be convicted or cited for driving on an expired license prior to license renewal during the ninety (90) days after the person's return to the Commonwealth if the person can provide proof of his or her out-of-state service and dates of assignment.

- (c) A person who meets the criteria in paragraph (a) of this subsection and who does not renew his or her license within ninety (90) days of returning to the Commonwealth shall be required to comply with the provisions of this chapter governing renewal of a license that has expired.
- (d) If a resident of the Commonwealth has been issued an "under 21" or "under 21 CDL" operator's license and the person is unable to renew the license on the date of his or her twenty-first birthday, the "under 21" or "under 21 CDL" operator's license shall be valid for ninety (90) days beyond the date of the person's twenty-first birthday.
- (4) (a) Any person who served in the active Armed Forces of the United States, including the Coast Guard, and any member of the National Guard or Reserve Component who completed the member's term of service and was released, separated, discharged, or retired therefrom under either an honorable discharge or a general under honorable conditions discharge may, at the time of initial application or application for renewal or duplicate, request that an operator's license or a personal identification card issued under this chapter bear the word "veteran" on the face or the back of the license or personal identification card.
- (b) The designation shall be in a style and format considered appropriate by the Transportation Cabinet. Prior to obtaining a designation requested under this subsection, the applicant shall present the circuit clerk *with one (1) of the following as proof of veteran status:*
  - 1. ~~[with]~~ An original or copy of his or her ***Veteran Identification Card or Veteran Health Identification Card issued by the United States Department of Veterans Affairs, or a DD-214, DD-256, DD-257***~~[DD-2]~~, or NGB-22 form; ~~or [as proof of veteran status.]~~
  - 2. ***A current military or Geneva Conventions identification card establishing current service or retirement status in the Armed Forces of the United States.***

The circuit clerk shall not be liable for fraudulent or misread forms presented.

**Signed by Governor March 27, 2020.**

## CHAPTER 43

( HB 279 )

AN ACT relating to military affairs.

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

➔Section 1. KRS 154.12-203 is amended to read as follows:

- (1) There is created the Kentucky Commission on Military Affairs. The commission shall be a separate administrative body of state government within the meaning of KRS Chapter 12.
- (2) It shall be the purpose of the Kentucky Commission on Military Affairs to:
  - (a) Address matters of military significance to Kentucky;
  - (b) Maintain a cooperative and constructive relationship between state agencies and the military entities in Kentucky, as necessary to ensure coordination and implementation of unified, comprehensive, statewide strategies involved with, or affected by, the military;
  - (c) Advise the Governor, the General Assembly, the Kentucky congressional delegation, and other appropriate government officials on all matters in which the military services and the Commonwealth have mutual interests, needs, and concerns;
  - (d) Take action to promote and optimize state and Department of Defense initiatives that will improve the military value of Kentucky's National Guard, active, and reserve military force structure and installations, and improve the quality of life for military personnel residing in the Commonwealth;
  - (e) Coordinate, as necessary, the state's interest in future Department of Defense base closure and restructuring activities;

- (f) Recommend state, federal, and local economic development projects which would promote, foster, and support economic progress through military presence in the Commonwealth;
  - (g) Promote and assist the private sector in developing spin-off investments, employment, and educational opportunities associated with high-technology programs and activities at Kentucky's military installations;
  - (h) Recommend to the Kentucky Economic Development Partnership the long-range options and potential for the defense facilities located in Kentucky;
  - (i) Develop strategies to encourage military personnel to retire and relocate in Kentucky and promote those leaving the military as a viable quality workforce for economic development and industrial recruitment; and
  - (j) Allocate available grant money to qualified applicants to further the purposes of paragraphs (a) to (i) of this subsection.
- (3) The Kentucky Commission on Military Affairs shall consist of:
- (a) The Governor or a designated representative;
  - (b) The secretary of the Cabinet for Economic Development or a designated representative;
  - (c) The adjutant general of the Commonwealth or a designated representative;
  - (d) The executive director of the Office of Homeland Security or a designated representative;
  - (e) The secretaries of the following cabinets or their designees:
    - 1. Finance and Administration;
    - 2. Justice and Public Safety;
    - 3. Energy and Environment;
    - 4. Transportation;
    - 5. Education and Workforce Development;
    - 6. Health and Family Services;
    - 7. Personnel;
    - 8. Labor;
    - 9. Public Protection; and
    - 10. Tourism, Arts and Heritage;
  - (f) The Attorney General or a designated representative;
  - (g) The commissioner of the Department of Veterans' Affairs or a designated representative;
  - (h) The executive director of the Kentucky Commission on Military Affairs or a designated representative;
  - (i) The chairperson of the Kentucky Committee for Employer Support of the Guard and Reserve;
  - (j) Kentucky's Civilian Aides to the Secretary of the United States Army;
  - (k) The chairperson of the Senate Veterans, Military Affairs, and Public Protection Committee and the chairperson of the House of Representatives Veterans, Military Affairs, and Public Safety Committee;
  - (l) The Chief Justice or a designated representative;
  - (m) The commander or the designee of the commander of each of the following as nonvoting, ex officio members:
    - 1. U.S. Army Cadet Command;
    - 2. U.S. Army Human Resources Command;
    - 3. U.S. Army Recruiting Command;
    - 4. 84th Training Command;

5. One Hundredth Division (Institutional Training);
  6. 101st Airborne Division;
  7. Blue Grass Army Depot;
  8. Fort Campbell Garrison;
  9. Fort Knox Garrison;
  10. 11th Theatre Aviation Command, U.S. Army Reserve;
  11. ~~{U.S. Army Corps of Engineers, Huntington District;~~
  - ~~12. —}U.S. Army Corps of Engineers, Louisville District;~~
  - ~~12{13}. Adjutant General of the U.S. Army;{and}~~
  - 13. U.S. Coast Guard Sector Ohio Valley;**
  - 14. First Army Division East;**
  - 15. 1st Theater Sustainment Command; and**
  - 16. Fifth (V) Corps; and**
- (n) Five (5) at-large members appointed by the Governor, who shall be residents of counties significantly impacted by military installations.
- (4) The terms of the five (5) at-large members shall be staggered so that two (2) appointments shall expire at two (2) years, one (1) appointment shall expire at three (3) years, and two (2) appointments shall expire at four (4) years, from the dates of initial appointment.
  - (5)
    - (a) The commission shall establish an executive committee consisting of the secretary of the Cabinet for Economic Development, the adjutant general of the Commonwealth, the commissioner of the Department of Veterans' Affairs, the executive director of the Kentucky Commission on Military Affairs, and the five (5) at-large members. The chair and vice chair of the Kentucky Commission on Military Affairs shall be appointed by the Governor from among the members of the executive committee.
    - (b) The chair and vice chair of the commission shall also serve as chair and vice chair of the executive committee.
    - (c) The executive committee shall serve as the search committee for an executive director of the commission and shall have any other authority the commission delegates to it.
  - (6) The commission shall meet one (1) time each year, and may meet at other times on call of the chair, to establish the commission's goals and to review issues identified and recommendations made by the executive committee. A majority of the members shall constitute a quorum for the transaction of the commission's business. Members' designees shall have voting privileges at commission meetings.
  - (7) Members of the commission shall serve without compensation, but shall be reimbursed for their necessary travel expenses actually incurred in the discharge of their duties on the commission, subject to Finance and Administration Cabinet administrative regulations.
  - (8) The commission may establish committees or work groups composed of commission members and citizens as necessary to advise the commission in carrying out its responsibilities, duties, and powers. Citizen members of committees or work groups shall not have a vote.
  - (9) The commission may promulgate necessary administrative regulations as prescribed by KRS Chapter 13A.
  - (10) The commission may adopt bylaws and operating policies necessary for its efficient and effective operation.
  - (11) There shall be an executive director, who shall be the administrative head and chief executive officer of the commission, recommended by the executive committee, approved by the commission, and appointed by the Governor. The executive director shall have authority to hire staff, contract for services, expend funds, and operate the normal business activities of the commission.
  - (12) The Kentucky Commission on Military Affairs and its executive committee shall be an independent agency attached to the Office of the Governor.

Signed by Governor March 27, 2020.

## CHAPTER 44

( HB 284 )

AN ACT relating to probation program credits.

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

➔SECTION 1. A NEW SECTION OF KRS 439.250 TO 439.560 IS CREATED TO READ AS FOLLOWS:

- (1) *Any supervised individual on probation, probation with an alternative sentence, or conditional discharge shall receive credit on his or her sentence for:*
  - (a) *Successfully receiving a High School Equivalency Diploma or a high school diploma, a college degree, a completed vocational or technical education program, or a correspondence postsecondary education program which results in a diploma or degree, as defined and approved by the department in the amount of ninety (90) days per diploma, degree, or vocational or technical education program completed;*
  - (b) *Successfully completing a drug treatment program, evidence-based program, or any other promising practice or life skills program approved by the department, in the amount of not more than ninety (90) days for each program completed. The department shall determine criteria to establish whether a life skills or promising practice program is eligible for probation program credits. Programs shall demonstrate learning of skills necessary for reintegration into the community to minimize barriers to successful reentry. Approval of programs shall be subject to review by the department; and*
  - (c) *Work-for-time credit, which shall be applied for any public employment, at the same rates as calculated pursuant to KRS 197.047.*
- (2) *Probation program credits earned pursuant to subsection (1) of this section shall be applied to reduce the period of probation, probation with an alternative sentence, or conditional discharge ordered by the sentencing court.*
- (3) *No less than ninety (90) days before the projected date of final discharge, the department shall notify the sentencing court of probation program credits awarded pursuant to this section and that the period of supervision is reduced by the number of days of probation program credits earned by the supervised individual, and the impending discharge from supervision. If the sentencing court, upon receiving such notice does not take any action pursuant to Section 8 of this Act, the offender shall be discharged.*
- (4) *The department may promulgate administrative regulations for the awarding of probation program credits.*
- (5) *For supervised individuals on supervision prior to the effective date of this Act, probation program credits shall begin to accrue on the first day of the first month after the effective date of this Act.*

➔Section 2. KRS 439.250 is amended to read as follows:

As used in KRS 439.250 to 439.560, unless the context requires otherwise:

- (1) "Secretary" means the secretary of the Justice and Public Safety Cabinet;
- (2) "Commissioner" means the commissioner of the Department of Corrections;
- (3) "Department" means the Department of Corrections;
- (4) "Deputy commissioner" means the deputy commissioner of the Office of Adult Institutions or the deputy commissioner of the Office of Community Services and Facilities of the Department of Corrections;
- (5) "Board" means the Parole Board created by KRS 439.320;
- (6) "Community supervision" means:
  - (a) The placement of a defendant under supervision with conditions imposed by a court for a specified period during which:

1. Criminal proceedings are deferred without an adjudication of guilt; or
  2. A sentence of imprisonment or confinement, imprisonment and fine, or confinement and fine, is probated and the imposition of sentence is suspended in whole or in part; or
- (b) The placement of an individual under supervision after release from prison or jail, with conditions imposed by the board for a specified period;
- (7) "Parole compliance credit" means a credit on a paroled individual's sentence for program credit, work-for-time credit, educational accomplishment, or meritorious service and shall be calculated pursuant to the applicable provisions in KRS 197.045 and 197.047;
- (8) **"Probation program credit" means a credit on the sentence of a supervised individual who is on probation, probation with an alternative sentence, or conditional discharge for educational credit, program completion credit, or work-for-time credit calculated pursuant to Section 1 of this Act;**
- (9) "Supervised compliance credit" means a credit on a ~~paroled~~<sup>supervised</sup> individual's sentence for compliance with supervision that shall be calculated pursuant to KRS 439.345;
- ~~(10)(9)~~ "Positive reinforcement" means any of a wide range of rewards and incentives, including but not limited to awarding certificates of achievement, reducing reporting requirements, deferring a monthly supervision fee payment, removing supervision conditions such as home detention or curfew, or asking the supervised individual to be a mentor to others;
- ~~(11)(10)~~ "Probation and parole district supervisor" means the highest ranking field probation or parole administrator in each district; and
- ~~(12)(11)~~ "Supervised individual" means an individual placed on probation, **probation with an alternative sentence, or conditional discharge** by a court or serving a period of parole or post-release supervision from prison or jail.

➔Section 3. KRS 439.3106 is amended to read as follows:

- (1) Supervised individuals shall be subject to:
- (a) Violation revocation proceedings and possible incarceration for failure to comply with the conditions of supervision when such failure constitutes a significant risk to prior victims of the supervised individual or the community at large, and cannot be appropriately managed in the community; or
  - (b) Sanctions other than revocation and incarceration as appropriate to the severity of the violation behavior, the risk of future criminal behavior by the offender, and the need for, and availability of, interventions which may assist the offender to remain compliant and crime-free in the community.
- (2) (a) At a final revocation hearing, the board may subject a supervised individual to a supervision continuation sanction for a period of up to nine (9) months, or until the completion of the individual's sentence, whichever is shorter.
- (b) Individuals under a supervision continuation sanction shall be placed in:
1. A state or local correctional or detention facility;
  2. An inpatient program for substance abuse treatment which has been approved by the department; or
  3. Notwithstanding KRS 532.100, a halfway house, when the individuals have been classified by the department as community custody.
- (c) Individuals under a supervision continuation sanction shall be considered inmates for the duration of the supervision continuation sanction period. If an individual under a supervision continuation sanction successfully completes the sanction and has not completed the individual's sentence, the individual shall then be considered a supervised individual.
- (d) 1. When a supervised individual has successfully completed the supervision continuation sanction and has not completed the individual's sentence, the individual shall be:
- a. Reinstated to supervision in the community without another hearing before the board; and
  - b. Subject to the same supervision conditions that the individual had been under at the time of the **probable cause**~~preliminary~~ revocation hearing.

2. When a supervised individual does not successfully complete a supervision continuation sanction and has not completed the individual's sentence, the individual shall be returned to the board for revocation proceedings.

➔Section 4. KRS 439.3108 is amended to read as follows:

- (1) Notwithstanding any administrative regulation or law to the contrary, including KRS 439.340(3)(b), the department or board may:
  - (a) Modify the conditions of community supervision for the limited purpose of imposing graduated sanctions;
  - (b) Place a supervised individual who is on probation who violates the conditions of community supervision in a state or local correctional or detention facility or residential center for a period of not more than ten (10) days consecutively, and not more than sixty (60) days in any one (1) calendar year. The department shall reimburse the local correctional or detention facility or residential center for the costs of incarcerating a person confined under this paragraph at the rate specified in KRS 532.100;
  - (c) Place a supervised individual serving a period of parole or post-release supervision from prison or jail who violates the conditions of community supervision in a state or local correctional or detention facility or residential center for a period of not more than thirty (30) days consecutively, and not more than sixty (60) days in any one (1) calendar year. The department shall reimburse the local correctional or detention facility or residential center for the costs of incarcerating a person confined under this paragraph at the rate specified in KRS 532.100; and
  - (d) Notwithstanding paragraphs (b) and (c) of this subsection, place any supervised individual who violates the conditions of community supervision in a state or local correctional or detention facility or residential center for the period of time a supervised individual awaits admission to a residential alcohol or substance use treatment program. The department shall reimburse the local correctional or detention facility or residential center for the costs of incarcerating a supervised individual serving a period of parole or post-release supervision confined under this paragraph at the rate specified in KRS 532.100.
- (2) A probation and parole officer intending to modify the conditions of community supervision by imposing a graduated sanction shall issue to the supervised individual a notice of the intended sanction. The notice shall inform the supervised individual of the technical violation or violations alleged, the date or dates of the violation or violations, and the graduated sanction to be imposed.
- (3) The imposition of a graduated sanction or sanctions by a probation and parole officer shall comport with the system of graduated sanctions adopted by the department under KRS 439.3107. Upon receipt of the notice, the supervised individual shall immediately accept or object to the sanction or sanctions proposed by the officer. The failure of the supervised individual to comply with a sanction shall constitute a violation of community supervision.
- (4) If the supervised individual objects to the imposition of the sanction or sanctions, then:
  - (a) If the supervised individual is serving a period of parole or post-release supervision from prison or jail, then the administrative process promulgated under KRS 439.3107(3) shall apply; or
  - (b) If the supervised individual is on probation, then the provisions of KRS 533.050 shall apply.
- (5) If the graduated sanction involves confinement in a correctional or detention facility;~~;~~
  - (a) Confinement shall be approved by the probation and parole district supervisor, but the supervised individual may be taken into custody for up to four (4) hours while such approval is obtained;~~;~~
  - (b) If the supervised individual is employed, the probation and parole officer shall, to the extent feasible, impose this sanction on weekend days or other days and times when the supervised individual is not working; **and**
  - (c) ***The supervised individual may be placed on work release for work at his or her place of employment.***
- (6) A sanction that confines a supervised individual in a correctional or detention facility for a period ***longer than authorized under subsection (1) of this section***~~[of more than ten (10) consecutive days]~~, or extends the term of community supervision, shall not be imposed as a graduated sanction, except pursuant to an order of the court or the board.

- (7) Upon successful completion of a graduated sanction or sanctions, a court may not revoke the term of community supervision or impose additional sanctions for the same violation.
- (8) If a probation and parole officer modifies the conditions of community supervision by imposing a graduated sanction, the officer shall:
  - (a) Deliver a copy of the modified conditions to the supervised individual;
  - (b) File a copy of the modified conditions with the sentencing court or releasing authority; and
  - (c) Note the date of delivery of the copy in the supervised individual's file or case management system.

➔Section 5. KRS 439.341 is amended to read as follows:

**Probable cause**~~[Preliminary]~~ revocation hearings of probation, parole, and postincarceration supervision violators shall be conducted by hearing officers. These hearing officers shall be attorneys, appointed by the board and admitted to practice in Kentucky, who shall perform the aforementioned duties and any others assigned by the board.

➔Section 6. KRS 439.352 is amended to read as follows:

Recommitment of a **supervised individual on parole or post-release supervision**~~[parolee]~~ to prison **or jail** on a new sentence received for commission of a crime while on parole **or other post-release supervision** shall automatically terminate his **or her** parole **or other post-release supervision** status on any sentence on which he **or she** has not received a final discharge, or a restoration of civil rights, prior to the date of recommitment. The prisoner shall, at the time of the recommitment on the new sentence, begin to accrue additional time credit toward conditional release or expiration of sentence on the sentence on which he **or she** had previously been **on community supervision**~~[parole]~~ unless he **or she** has been finally discharged from **community supervision**~~[parole]~~ on the sentence or has been restored to civil rights prior to the date of the recommitment.

➔Section 7. KRS 439.440 is amended to read as follows:

Any prisoner returned to **state custody**~~[prison]~~ for violation of his **or her** release shall be heard by the board within **sixty (60)**~~[thirty (30)]~~ days on the propriety of his **or her** rerelease.

➔Section 8. KRS 533.020 is amended to read as follows:

- (1) When a person who has been convicted of an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court shall place him on probation if he is in need of the supervision, guidance, assistance, or direction that the probation service can provide. Conditions of probation shall be imposed as provided in KRS 533.030, but the court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the period of probation. When setting conditions under this subsection, the court shall not order any defendant to pay incarceration costs or any other cost permitted to be ordered under KRS 533.010 or other statute, except restitution and any costs owed to the Department of Corrections, through the circuit clerk.
- (2) When a person who has been convicted of an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court may sentence him to probation with an alternative sentence if it is of the opinion that the defendant should conduct himself according to conditions determined by the court and that probationary supervision alone is insufficient. The court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the alternative sentence.
- (3) When a person who has been convicted of an offense or who has entered a plea of guilty to an offense is not sentenced to imprisonment, the court may sentence him to conditional discharge if it is of the opinion that the defendant should conduct himself according to conditions determined by the court but that probationary supervision is inappropriate. Conditions of conditional discharge shall be imposed as provided in KRS 533.030, but the court may modify or enlarge the conditions or, if the defendant commits an additional offense or violates a condition, revoke the sentence at any time prior to the expiration or termination of the period of conditional discharge.
- (4) The period of probation, probation with an alternative sentence, or conditional discharge shall be fixed by the court and at any time may be extended or shortened by duly entered court order **or as modified by the Department of Corrections through the application of probation program credits under Section 1 of this Act**. Such period, with extensions thereof, shall not exceed five (5) years, or the time necessary to complete restitution, whichever is longer, upon conviction of a felony nor two (2) years, or the time necessary to complete restitution, whichever is longer, upon conviction of a misdemeanor. Upon completion of the



probationary period, probation with an alternative sentence, or the period of conditional discharge, the defendant shall be deemed finally discharged, provided no warrant issued by the court is pending against him, and probation, probation with an alternative sentence, or conditional discharge has not been revoked.

- (5) Notwithstanding the fact that a sentence to probation, probation with an alternative sentence, or conditional discharge can subsequently be modified or revoked, a judgment which includes such a sentence shall constitute a final judgment for purposes of appeal.

**Signed by Governor March 27, 2020.**

## CHAPTER 45

( HB 327 )

AN ACT relating to expungement of criminal records.

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

➔Section 1. KRS 431.076 is amended to read as follows:

- (1) (a) *On or after the effective date of this Act, if a court enters an order of acquittal of criminal charges against a person, or enters an order dismissing with prejudice all criminal charges in a case against a person and not in exchange for a guilty plea to another charge, the court shall order the record expunged upon the expiration of thirty (30) days, unless the person objects to the expungement. As used in this paragraph, "criminal charges" shall not include a traffic infraction not otherwise classified as a misdemeanor. The order expunging the records shall not require any action by the person.*
- (b) A person who has been charged with a criminal offense and who has been *acquitted*~~[found not guilty]~~ of the *charges*~~[offense]~~, or against whom charges have been dismissed and not in exchange for a guilty plea to another *charge*~~[offense]~~, ~~[or against whom felony charges originally filed in the District Court have not resulted in an indictment by the grand jury,]~~ *and whose records have not been expunged pursuant to paragraph (a) of this subsection*, may petition the ~~[District or Circuit]~~ court in which the *disposition of the charges was made*~~[were filed]~~ to expunge all *charges*~~[records]~~.
- (c) *A person against whom felony charges originally filed in the District Court have not resulted in an indictment by the grand jury or in an information filed by the Commonwealth's Attorney may petition the District Court in which the charges were filed to dismiss and expunge all charges for which an indictment or information has not issued.*
- (2) ~~An~~~~[The]~~ expungement petition *brought under paragraph (b) or (c) of subsection (1) of this section* shall be filed no sooner than:
- (a) Sixty (60) days following the order of acquittal or dismissal with prejudice by the court;
- (b) *Six (6)*~~[, Twelve (12)]~~ months following the date of the District Court decision to hold the matter to the grand jury;~~[,]~~ or
- (c) *For charges dismissed without prejudice:*
1. *For felony charges, three (3) years following the date of the order of dismissal without prejudice; or*
  2. *For misdemeanor charges, one (1) year following the date of the order of dismissal without prejudice.*
- ~~[Five (5) years following the date of the order of dismissal without prejudice. 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, 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. 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. The counsel for the Cabinet for Health and Family Services shall respond to the expungement petition, 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 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.]

- (3) (a) *If the court finds that the petition under subsection (1)(b) is properly brought, the court shall*~~[(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 and order the expunging of *the*~~[all]~~ records~~[in the custody of the court and any records in the custody of any other agency or official, including law enforcement records].~~
- (b)
  1. If the expungement petition *is brought under subsection (1)(c) of this section*~~[pertains to felony charges originally filed in the District Court which have not resulted in an indictment by the grand jury]~~, *the petition shall be served upon the offices of the county and Commonwealth's attorneys that prosecuted the case.*
  2. *Following the filing of the petition, the court shall notify the county and Commonwealth's attorney of an opportunity for a response to the petition. The response shall be filed within ninety (90) days after the filing of the petition.*
  3. *If a response is not filed, ninety (90) days after the filing of the petition the court shall dismiss the charges without prejudice and order the expunging of the records.*
  4. *If a response is filed, ninety (90) days after the date the response is filed, if an indictment has not issued, the court*~~[and the Circuit Court or District Court grants the motion, it]~~ *shall dismiss without prejudice the charges for which an indictment has not issued and order the expunging of the records.*
- (4) *An order of expungement pursuant to this section shall expunge all criminal records in the custody of the court and any criminal records in the custody of any other agency or official, including law enforcement records, but no order of expungement pursuant to this section shall expunge records in the custody of the Department for Community Based Services.* 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) (a) *If an expungement is ordered under subsection (1)(a) or (b) of this section, an appellate court which issued an opinion in the case shall 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 defendant's name in the case title and body of the opinion.*
- (b)~~[(5)]~~ If an expungement is ordered under *subsection (1)(c) of 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) *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.*
- (8) *Except as provided in subsection (1)(a) of this section, this section shall be retroactive.*

Signed by Governor March 27, 2020.

**CHAPTER 46****( HB 271 )*****AN ACT relating to death-in-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 a member dies as a direct result of an act in line of duty as defined in KRS 16.505 and is survived by a spouse:
  - (a) The surviving spouse shall be the beneficiary, and this shall supersede the designation of all previous beneficiaries of the deceased member's retirement account except as provided in KRS 61.542(2)(e);
  - (b) ~~[1. —]The surviving spouse, provided he or she supersedes all previously designated beneficiaries, may elect to receive a lump-sum payment of ten thousand dollars (\$10,000) and a monthly payment equal to seventy-five percent (75%) of the member's monthly average pay beginning in the month following the member's death and continuing each month until the surviving spouse remarries or until the death of the unmarried surviving spouse;~~
  - ~~2. —The monthly payment to the surviving spouse upon remarriage shall be twenty five percent (25%) of the member's monthly average pay beginning in the month following remarriage and continuing each month until death; and~~
  - (c) In addition, if the member is also survived by dependent children, monthly payments shall be made for each dependent child equal to ten percent (10%) of the deceased member's monthly average pay, except that the combined maximum payment made to the:
    1. Surviving spouse and dependent children under this subsection shall not exceed one hundred percent (100%) of the deceased member's monthly average pay; and
    2. Dependent children, while the surviving spouse is living~~[or prior to the surviving spouse remarrying]~~, shall not exceed twenty-five percent (25%) of the deceased member's monthly average pay. Payments made to the dependent children under this subsection shall be divided equally among all the dependent children.
- (2) If a member dies as a result of an act in line of duty as defined in KRS 16.505 and is not survived by a spouse but is survived by a dependent child or children, the following benefits shall be paid to the dependent child or children:
  - (a) Fifty percent (50%) of the deceased member's monthly average pay, if the deceased member has one (1) dependent child;
  - (b) Sixty-five percent (65%) of the deceased member's monthly average pay, if the deceased member has two (2) dependent children; or
  - (c) Seventy-five percent (75%) of the deceased member's monthly average pay, if the deceased member has three (3) or more dependent children.

Payments made to the dependent children under this subsection shall be divided equally among all the dependent children.

- (3) If a member dies as a direct result of an act in line of duty as defined in KRS 16.505 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 has not been superseded by the surviving spouse as provided by subsection (1)(a) of this section, and 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).
- (4) The payments provided by this section shall commence in the month following the date of death of the member and shall be payable to the spouse, dependent children, beneficiaries, or to a legally appointed guardian or as directed by the system. Benefits to a dependent child under this section shall be payable notwithstanding an election by a surviving spouse or beneficiary to withdraw the deceased member's

accumulated account balance as provided in KRS 61.625 or to elect benefits under any other provisions of KRS 16.510 to 16.652.

- (5) A surviving spouse or beneficiary eligible for benefits under subsection (1) or (3) 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.
- (6)
  - (a) A surviving spouse or beneficiary applying for benefits under subsection (1) or (3) 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 (3) of this section is pending.
  - (b) If a final determination results in a finding of eligibility for benefits under subsection (1) or (3) of this section, the system shall recalculate the benefits due the surviving spouse or beneficiary in accordance with this subsection.
  - (c) If the surviving spouse or beneficiary has been paid less than the amount of benefits to which the surviving spouse or beneficiary was entitled to receive under this section, the system shall pay the additional funds due to the surviving spouse or beneficiary.
  - (d) If the surviving spouse or beneficiary has been paid more than the amount of benefits to which the surviving spouse or beneficiary was entitled to receive under this section, the system shall deduct the amount overpaid to the surviving spouse or 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, except as provided in KRS 61.542(2)(e).
  - (b) The surviving spouse, provided he or she supersedes all previously designated beneficiaries, 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 seventy-five percent (75%) of the member's monthly average pay beginning in the month following the member's death and continuing each month until the ~~surviving spouse remarries or until the~~ death of the ~~unmarried~~ surviving spouse.
  - (c) ~~The monthly payment to the surviving spouse upon remarriage shall be twenty five percent (25%) of the member's monthly average pay beginning in the month following remarriage and continuing each month until death.~~
  - ~~(d)~~ In addition, if the member is also survived by dependent children, monthly payments shall be made for each dependent child equal to ten percent (10%) of the deceased member's monthly average pay, except that the combined maximum payment made to the:

1. Surviving spouse and dependent children under this subsection shall not exceed one hundred percent (100%) of the deceased member's monthly average pay; and
  2. Dependent children, while the surviving spouse is living ~~or prior to the surviving spouse remarrying~~, shall not exceed twenty-five percent (25%) of the deceased member's monthly average pay. Payments made to the dependent children under this subsection shall be divided equally among all the dependent children.
- (4) If the employee dies as a result of a duty-related injury and is not survived by a spouse but is survived by a dependent child or children, the following benefits shall be paid to the dependent child or children:
- (a) Fifty percent (50%) of the deceased member's monthly average pay, if the deceased member has one (1) dependent child;
  - (b) Sixty-five percent (65%) of the deceased member's monthly average pay, if the deceased member has two (2) dependent children; or
  - (c) Seventy-five percent (75%) of the deceased member's monthly average pay, if the deceased member has three (3) or more dependent children.

Payments made to the dependent children under this subsection shall be divided equally among all the dependent children.

- (5) 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.
- (6) In the period of time following a member's 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 disabled member's monthly final rate of pay; however, total maximum dependent children's benefits shall not exceed forty percent (40%) of the 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 disability of the member and shall be payable to the beneficiaries, or to a legally appointed guardian, or as directed by the system.
- (7) Benefits for death as a result of a duty-related injury to a dependent child shall be payable under this section notwithstanding an election by a surviving spouse or 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.
- (8) (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.
- (9) For purposes of this section, "dependent child" has the same meaning as in KRS 16.505.
- (10) This section shall be known as "The Fred Capps Memorial Act."

➔Section 3. Notwithstanding KRS 16.505 to 16.652, 61.510 to 61.705, 78.510 to 78.852, 161.220 to 161.716, or any provision of Section 1 or 2 of this Act to the contrary:

- (1) In the month following the effective date of this Act, the surviving spouse, if the spouse is receiving a monthly benefit due to a member's death that was determined by the systems to be a direct result of an act in line of

duty as defined in KRS 16.505(19) or whose death resulted from a duty-related injury as defined in Section 2 of this Act, and who following the member's death has subsequently remarried prior to the effective date of this Act and had their retirement benefit reduced due to remarriage, shall have his or her monthly benefit increased to the amount specified by Section 1 or 2 of this Act, as applicable, as if the remarriage had occurred after the effective date of this Act, except that the amount shall not be increased above a level that exceeds one hundred percent (100%) of the member's monthly average pay when combined with any dependent child payments from the systems.

- (2) In the month following the effective date of the Act, the surviving spouse of a member whose death was determined by the systems to be a direct result of an act in line of duty as defined in KRS 16.505(19) or whose death resulted from a duty-related injury as defined in Section 2 of this Act, but who chose to receive lifetime monthly benefits otherwise payable under KRS 16.578 or 61.640 in lieu of the benefits payable under subsection (1) of Section 1 of this Act or subsection (3) of Section 2 of this Act, shall have his or her monthly benefit increased to the amount specified by Section 1 or 2 of this Act, as applicable, except that the amount shall not be increased above a level that exceeds one hundred percent (100%) of the member's monthly average pay when combined with any dependent child payments from the systems.
- (3) The Kentucky Retirement Systems shall establish by administrative regulation a process by which a surviving spouse of a member who died prior to retirement and prior to April 13, 2018, may apply for the death benefits established by Section 1 and 2 of this Act, provided the surviving spouse:
  - (a) Is currently receiving a monthly benefit from the systems;
  - (b) Did not prior to April 13, 2018, seek a determination by the systems of whether or not the death was a direct result of an act in line of duty as defined in KRS 16.505(19) or resulted from a duty-related injury as defined in Section 2 of this Act; and
  - (c) Submits an application developed by the systems on or before January 1, 2021.

If the systems determines the death was a direct result of an act in line of duty as defined in KRS 16.505(19) or resulted from a duty-related injury as defined in Section 2 of this Act, then in the month following the determination, the systems shall adjust the surviving spouse monthly benefits prospectively in accordance with Section 1 or 2 of this Act except that the amount shall not be increased above a level that exceeds one hundred percent (100%) of the members monthly average pay when combined with any dependent child payments from the systems.

- (4) In the month following the effective date of this Act, the surviving spouse, if the spouse is receiving a monthly benefit due to a member's death that was determined by the systems to be a direct result of an act in line of duty as defined in KRS 16.505(19) or whose death resulted from a duty-related injury as defined in Section 2 of this Act, and who following the member's death subsequently remarried prior to April 13, 2018, shall have his or her monthly benefit increased to the amount specified by Section 1 or 2 of the Act, as applicable, except that the amount shall not be increased above a level that exceeds one hundred percent (100%) of the member's monthly average pay when combined with any dependent child payments from the systems.

➔Section 4. The provisions of Sections 1 to 3 of this Act shall not reduce any benefits payable to any surviving spouse or dependent children of a member who died prior to the effective date of this Act and whose death was determined by the systems to be the direct result of an act in line of duty as defined in KRS 16.505(19) or resulted from a duty-related injury as defined in Section 2 of this Act.

➔Section 5. Whereas protecting and honoring the families of public safety officers and employees who have given their lives in service to the Commonwealth is a value held by all Kentuckians, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor March 27, 2020.**

## CHAPTER 47

( HB 313 )

AN ACT relating to insurance.

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

➔Section 1. KRS 304.47-055 is amended to read as follows:

- (1) Documents, materials, or other information in the possession or control of the commissioner that is provided according to this subtitle shall be confidential by law and privileged, and shall not be subject to the Kentucky Open Records Act, KRS 61.872 to KRS 61.884. These documents, materials, or other information shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action, unless, after notice to the commissioner and a hearing, a court of competent jurisdiction determines the commissioner would not be unnecessarily hindered. However, the commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.
- (2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.
- (3) In order to assist in the performance of the commissioner's duties, the commissioner:
  - (a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsections (1) and (2) of this section, with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners, its affiliates or subsidiaries, *with the National Insurance Crime Bureau*, and with local, state, federal, and international law enforcement authorities, if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or other information;
  - (b) May receive documents, materials, or other information, including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners, its affiliates or subsidiaries, *from the National Insurance Crime Bureau*, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential and privileged any documents, materials, or information received with notice or the understanding that it is confidential and privileged under the laws of the jurisdiction that is the source of the documents, materials, or information;
  - (c) May enter into agreements governing the sharing and use of information including the furtherance of any regulatory or legal action brought as part of the recipient's official duties.
- (4) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this subtitle or as a result of sharing as authorized in subsection (3) of this section.

➔Section 2. KRS 304.47-060 is amended to read as follows:

- (1) In the absence of malice, fraud, or gross negligence, a person shall not be subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports or furnishing other information required by this chapter or requested by the division or its authorized representative. No civil cause of action of any nature shall arise against the person:
  - (a) For any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents, or employees;
  - (b) For any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of this subtitle, including those designated by KRS 304.47-080;
  - (c) For any information furnished to or received from the Department of Workers' Claims, its agents, or employees;~~for~~
  - (d) For any information furnished in reports to the commissioner or the National Association of Insurance Commissioners; *or*
  - (e) *For any information relating to suspected fraudulent insurance acts furnished to or received from the National Insurance Crime Bureau or its successor organization.*
- (2) The commissioner or any employee or agent of the department~~of Insurance~~ shall not be subject to civil liability for libel, slander, or any other relevant tort. No civil cause of action shall exist against these persons

by virtue of the execution of official activities or duties of the commissioner or the division or by virtue of the publication of any report or bulletin related to the official activities or duties of the commissioner.

- (3) This subtitle shall not abrogate or modify any common law or statutory privilege or immunity enjoyed by any person.

➔SECTION 3. KRS 304.20-410 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *Motor vehicle insurance companies shall give an appropriate discount, based on sound actuarial principles, on comprehensive coverage for insured motor vehicles with an antitheft device or mechanism.*
- (2) *If two (2) or more antitheft devices or mechanisms are attached to a motor vehicle, the total discount shall be that applicable to the device or mechanism that meets the insurer's standards for the highest discount.*

➔Section 4. KRS 304.13-065 is amended to read as follows:

For motor vehicle insurance rates, whether in a competitive market or a noncompetitive market, appropriate reductions in premium charges for comprehensive coverage shall be applied to those motor vehicles equipped with an antitheft device as provided in KRS 304.20-410~~[to 304.20-440 which has been approved by the commissioner]~~.

➔Section 5. The following KRS sections are repealed:

304.20-400 Definitions.

304.20-420 Fifteen percent discount.

304.20-430 Twenty percent discount.

304.20-440 Highest discount to apply for use of two or more antitheft devices.

304.20-450 Application of KRS 304.20-400 to 304.20-440.

➔Section 6. Section 3 of this Act shall apply to all motor vehicle insurance policies issued or renewed on or after the effective date of this Act.

➔Section 7. Sections 3 to 5 of this Act shall take effect January 1, 2021.

**Signed by Governor March 27, 2020.**

## CHAPTER 48

( HB 374 )

AN ACT relating to rest periods and collective bargaining agreements and declaring an emergency.

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

➔Section 1. KRS 337.365 is amended to read as follows:

No employer shall require any employee to work without a rest period of at least ten (10) minutes during each four (4) hours worked, except those employees who are under the Federal Railway Labor Act. This shall be in addition to the regularly scheduled lunch period. *This section shall not apply where a collective bargaining agreement provides for a total number of minutes that are equal to or exceed the statute's ten (10) minutes accrued for each four (4) hours of work. If a collective bargaining agreement does not contain provisions allowing rest periods, employers shall allow a rest period of at least ten (10) minutes during each four (4) hours worked.* No reduction in compensation shall be made for hourly or salaried employees.

➔Section 2. KRS 339.270 is amended to read as follows:

- (1) No minor under eighteen (18) years of age shall be permitted to work for more than five (5) hours continuously without an interval of at least thirty (30) minutes for a lunch period, and no period of less than thirty (30) minutes shall be deemed to interrupt a continuous period of work.
- (2) *No employer shall require any minor under eighteen (18) years of age to work without a rest period of at least ten (10) minutes during each four (4) hours worked. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly or salaried employees.*



➔Section 3. Whereas the Commonwealth of Kentucky has a paramount interest in preserving the right of employers and employees to negotiate terms of employment, 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 27, 2020.**

## CHAPTER 49

### ( HB 378 )

AN ACT relating to the filing of documents.

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

➔Section 1. KRS 186A.520 is amended to read as follows:

- (1) Except as provided in KRS 186A.555, a salvage title shall be obtained by the owner of a motor vehicle that meets the following definition of a salvage vehicle:
  - (a) A vehicle which has been wrecked, destroyed, or damaged, to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its preaccident condition and for legal operation on the roads or highways, not including the cost of parts and labor to reinstall a deployed airbag system, exceeds seventy-five percent (75%) of the retail value of the vehicle, as set forth in a current edition of the National Automobile Dealer's Association price guide.
  - (b) The value of repair parts for purposes of this definition shall be determined by using the current published retail cost of the parts equal in kind and quality to the parts to be replaced or the actual retail cost of the repair parts used in repair.
  - (c) The labor costs of repairs for purposes of this section shall be computed by using the hourly labor rate and time allocations which are reasonable and customary in the automobile repair industry in the community where the repairs are performed.
  - (d) Airbag reinstallation costs which are excluded from the seventy-five percent (75%) computation as set forth in paragraph (a) of this subsection shall be included by an insurer in the computation of the total physical damage estimate according to the terms and conditions of individual policies, provided that the total costs payable by an insurer do not exceed the total retail value of the vehicle.
- (2) The owner or an authorized agent of a motor vehicle that meets the definition of a salvage vehicle as set forth in subsection (1) of this section shall, within fifteen (15) days from the receipt of all necessary paperwork required by this chapter, submit an application to the county clerk, on a form prescribed by the Department of Vehicle Regulation, for a salvage title, accompanied by a properly endorsed certificate of title and any lien satisfactions, if any appear, as may be required.
- (3) The county clerk shall retain a copy of each salvage title application received and shall forward the original and its supporting documents to the Department of Vehicle Regulation in a manner similar to that for handling of an application for a title.
- (4) ***The county clerk shall rely on the information provided by the owner or authorized agent, including a county of residence designation, on:***
  - (a) ***Any approved, notarized state form utilized in lien titling or the title transfer process signed by the owner or authorized agent; and***
  - (b) ***Any document submitted during the transfer of a salvage vehicle from an owner to an insurer.***

***Reliance on the foregoing by the county clerk shall relieve the office of the county clerk from liability to any third party claiming failure to comply with this section.***
- (5) The Department of Vehicle Regulation shall process the salvage title application in a manner similar to that used in processing a title application and the salvage title shall be delivered in a like manner of a title. Salvage titles shall be construed as proof of ownership of a vehicle in a state as to be unusable upon the highways of

the Commonwealth. A vehicle shall not be issued a registration for highway use as long as a salvage title is in force.

~~(6)(5)}~~ The only time a vehicle with a salvage title may be operated upon the highways of the Commonwealth is when it is in route to or from an inspection by the certified inspector prior to obtaining a certificate of title after having been rebuilt as per KRS 186.115.

(7) ***Notwithstanding the provisions of KRS 369.103, when a salvage vehicle is transferred from an owner to an insurer, the following shall be exempted from the requirements of notarization, including exemption from the notarization of electronic signature requirements of KRS Chapter 423:***

- (a) ***The transfer of ownership on the certificate of title;***
- (b) ***Any power of attorney required in connection with the transfer of ownership to the insurer;***
- (c) ***Any required odometer disclosure statement;***
- (d) ***The application for a salvage certificate of title; and***
- (e) ***The transfer of ownership on the salvage certificate of title issued.***

➔Section 2. KRS 64.012 is amended to read as follows:

(1) The county clerk shall receive for the following services the following fees:

- (a) 1. Recording and indexing of a:
  - a. Deed of trust or assignment for the benefit of creditors;
  - b. Deed;
  - c. Deed of assignment;
  - d. File-stamped copy of documents set forth in KRS 14A.2-040(1) or (2) that have been filed first with the Secretary of State;
  - e. Real estate option;
  - f. Power of attorney;
  - g. Revocation of power of attorney;
  - h. Lease which is recordable by law;
  - i. Deed of release of a mortgage or lien under KRS 382.360;
  - j. United States lien;
  - k. Release of a United States lien;
  - l. Release of any recorded encumbrance other than state liens;
  - m. Lis pendens notice concerning proceedings in bankruptcy;
  - n. Lis pendens notice;
  - o. Mechanic's and artisan's lien under KRS Chapter 376;
  - p. Assumed name;
  - q. Notice of lien issued by the Internal Revenue Service;
  - r. Notice of lien discharge issued by the Internal Revenue Service;
  - s. Original, assignment, amendment, or continuation financing statement;
  - t. Making a record for the establishment of a city, recording the plan or plat thereof, and all other service incident;
  - u. Survey of a city, or any part thereof, or any addition to or extensions of the boundary of a city;
  - v. Recording with statutory authority for which no specific fee is set, except a military discharge;

- w. Will or other probate document pursuant to KRS Chapter 392 or 394;
  - x. Court ordered name change pursuant to KRS Chapter 401;
  - y. Land use restriction according to KRS 100.3681; and
  - z. Filing with statutory authority for which no specific fee is set.
- For all items in this subsection if the entire thereof does not exceed  
 five (5) pages .....\$33.00
- And, for all items in this subsection exceeding five (5) pages,  
 for each additional page .....\$3.00
- And, for all items in this subsection for each additional reference  
 relating to same instrument .....\$4.00
2. The thirty-three dollar (\$33) fee imposed by this subsection shall be divided as follows:
- a. Twenty-seven dollars (\$27) shall be retained by the county clerk; and
  - b. Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.
- (b) For noting a security interest on a certificate of title pursuant to  
 KRS Chapter 186A .....\$12.00
  - (c) For filing the release of collateral under a financing statement  
 and noting same upon the face of the title pursuant to KRS Chapter  
 186 or 186A \$5.00
  - (d) Filing or recording state tax or other state liens .....\$5.00
  - (e) Filing release of a state tax or other state lien .....\$5.00
  - (f) Acknowledging or notarizing any deed, mortgage, power of attorney,  
 or other written instrument required by law for recording and certifying  
 same .....\$5.00
  - (g) Recording plats, maps, and surveys, not exceeding 24 inches by  
 36 inches, per page .....\$40.00
  - (h) Recording a bond, for each bond .....\$10.00
  - (i) Each bond required to be taken or prepared by the clerk .....\$4.00
  - (j) Copy of any bond when ordered .....\$3.00
  - (k) Administering an oath and certificate thereof .....\$5.00
  - (l) Issuing a license for which no other fee is fixed by law .....\$8.00
  - (m) Issuing a solicitor's license .....\$15.00
  - (n) Marriage license, indexing, recording, and issuing certificate thereof .....\$26.50
  - (o) Every order concerning the establishment, changing, closing, or  
 discontinuing of roads, to be paid out of the county levy when  
 the road is established, changed, closed, or discontinued, and by  
 the applicant when it is not .....\$3.00

- (p) Registration of licenses for professional persons required to register  
with the county clerk .....\$10.00
- (q) Certified copy of any record .....\$5.00  
Plus fifty cents (\$.50) per page after three (3) pages
- (r) Filing certification required by KRS 65.070(2)(a) .....\$5.00
- (s) Filing notification and declaration and petition of candidates  
for Commonwealth's attorney .....\$200.00
- (t) Filing notification and declaration and petition of candidates for county  
and independent boards of education .....\$20.00
- (u) Filing notification and declaration and petition of candidates for  
boards of soil and water conservation districts .....\$20.00
- (v) Filing notification and declaration and petition of candidates for  
other office .....\$50.00
- (w) Filing declaration of intent to be a write-in candidate for office .....\$50.00
- (x) Filing petitions for elections, other than nominating petitions .....\$50.00
- (y) Notarizing any signature, per signature .....\$2.00
- (z) Filing bond for receiving bodies under KRS 311.310 .....\$10.00
- (aa) Noting the assignment of a certificate of delinquency and recording  
and indexing the encumbrance under KRS 134.126 or 134.127 .....\$27.00
- (ab) Filing a going-out-of-business permit under KRS 365.445 .....\$50.00
- (ac) Filing a renewal of a going-out-of-business permit under KRS 365.445 .....\$50.00
- (ad) Filing and processing a transient merchant permit under KRS 365.680 .....\$25.00
- (ae) Recording and indexing a real estate mortgage:
  - 1. For a mortgage that does not exceed thirty (30) pages .....\$63.00
  - 2. And, for a mortgage that exceeds thirty (30) pages, for each additional page .....\$3.00

**(af) Filing or recording a lien or release of lien by a consolidated local government,  
urban-county government, unified local government, or city  
of any class .....\$20.00**

***(af) Filing or recording a lien or release of lien by a consolidated local government,  
urban-county government, unified local government, or city of any class.....\$20.00***

- (2) The sixty-three dollar (\$63) fee imposed by subsection (1)(ae) of this section shall be divided as follows:
  - (a) Fifty-seven dollars (\$57) shall be retained by the county clerk; and
  - (b) Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.
- (3) For services related to the permanent storage of records listed in paragraphs (a), (g), (n), and (ae) of subsection (1) of this section, the clerk shall be entitled to receive a reimbursement of ten dollars (\$10).

**Signed by Governor March 27, 2020.**

**CHAPTER 50****( HB 417 )**

AN ACT relating to credit for reinsurance.

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

➔Section 1. KRS 304.5-140 is amended to read as follows:

- (1) (a) For the purposes of subsection (4)(c) of this section, a "qualified United States financial institution" means an institution that:
  1. Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;
  2. Is regulated, supervised, and examined by the United States federal or state authorities having regulatory authority over banks and trust companies; and
  3. Has been determined by the commissioner, or the Securities Valuation Office of the NAIC, to meet the standards of financial condition and standing considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.
- (b) A "qualified United States financial institution" means, for purposes of those provisions of this section specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:
  1. Is organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and
  2. Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.
- (c) *For purposes of subsection (3)(f)1. of this section, "reciprocal jurisdiction" means a jurisdiction that meets one (1) of the following:*
  1. *A non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union;*
  2. *A U.S. jurisdiction that meets the requirements for accreditation under the NAIC's financial standards and accreditation program;*
  3. *A qualified jurisdiction, as determined by the commissioner pursuant to subsection (3)(e)4. of this section, which is not otherwise described in this paragraph, and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner in administrative regulation; or*
  4. *Any other jurisdiction contained on the list of reciprocal jurisdictions published by the commissioner in accordance with subsection (3)(g) of this section.*
- (d) As used in this section: ~~{-}~~
  1. *"Covered agreement" means an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. secs. 313 and 314, and that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with the ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance; and*
  2. "NAIC" means National Association of Insurance Commissioners.

- (2) (a) Credit for reinsurance shall be allowed a ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of:
  1. Subsection (3)(a), (b), (c), (d), (e), ~~for (f)~~, **or (h)** of this section; and
  2. Paragraphs (b), (c), (d), and (e) of this subsection.
- (b) The commissioner may promulgate administrative regulations pursuant to subsection (8)(a)2. of this section that establish specific additional requirements relating to or setting forth:
  1. The valuation of assets or reserve credits;
  2. The amount and forms of security supporting reinsurance arrangements described in that subsection; and
  3. The circumstances pursuant to which credit will be reduced or eliminated.
- (c) For reinsurers meeting the requirements of subsection (3)(c) of this section, the requirements of paragraph ~~(i)(e)~~ of that subsection shall also be met.
- (d) For reinsurers meeting the requirements of subsection (3)(d) of this section, the requirements of paragraphs ~~(i)(e)~~ and ~~(j)(h)~~ of that subsection shall also be met.
- (e) For reinsurers meeting the requirements of subsection (3)(e) of this section, the requirements of paragraph ~~(j)(h)~~ of that subsection shall also be met.
- (3) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is authorized to transact insurance or reinsurance in Kentucky.
- (b)
  1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited as a reinsurer in Kentucky. An accredited reinsurer is one which:
    - a. Files with the commissioner evidence of its submission to Kentucky's jurisdiction;
    - b. Submits to Kentucky's authority to examine its books and records;
    - c. Is licensed to transact insurance or reinsurance in at least one (1) state, or in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one (1) state;
    - d. Files annually with the commissioner a copy of its annual statement filed with the insurance regulatory official of its state of domicile and a copy of its most recent audited financial statement; and
    - e. Demonstrates to the satisfaction of the commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer meets the requirements of this subdivision at the time of its application if:
      - i. It maintains a surplus as regards policyholders in an amount that is not less than twenty million dollars (\$20,000,000); and
      - ii. Its accreditation has not been denied by the commissioner within ninety (90) days after submission of its accreditation application.
  2. Credit shall not be allowed a ceding insurer under this paragraph if the assuming insurer's accreditation has been revoked by the commissioner after notice and hearing.
- (c) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled and licensed in or, in the case of a United States branch of an alien assuming insurer, is entered through a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this section and the assuming insurer or United States branch of an alien insurer:
  1. Maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000); and
  2. Submits to the authority of the commissioner to examine its books and records.

However, subparagraph 1. of this paragraph shall not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

- (d) 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust in a qualified United States financial institution for the payment of valid claims of its United States policyholders and ceding insurers, their assigns, and successors in interest. The assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the NAIC annual statement form by authorized insurers to enable the commissioner to determine the sufficiency of the trust.
2. a. In the case of a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, except as provided in subdivision b. of this subparagraph, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars (\$20,000,000).
- b. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three (3) years, the commissioner may authorize a reduction in the trusteed surplus required by subdivision a. of this subparagraph, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of a reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.
3. In the case of a group including incorporated and individual unincorporated underwriters:
- a. The trust shall consist of a trusteed account representing the respective underwriter's liabilities attributable to business written in the United States;
- b. The group shall maintain a trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group;
- c. The incorporated members of which group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and
- d. The group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary insurance regulatory official and its independent public accountants.
4. In the case of a group of incorporated underwriters under common administration, the group shall:
- a. Comply with the reporting requirements contained in subparagraph 1. of this paragraph;
- b. Have continuously transacted insurance business outside the United States for at least three (3) years immediately prior to making an application for accreditation;
- c. Maintain a trust in an amount not less than the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;
- d. Maintain an aggregate policyholders' surplus of at least ten billion dollars (\$10,000,000,000);
- e. Maintain a joint trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group; and

- f. Each member of the group shall make available to the commissioner an annual certification of the member's solvency by the member's domiciliary insurance regulatory official and its independent public accountant.
  - 5. The trust shall be established in a form approved by the commissioner. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner. The trust shall remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.
  - 6. No later than February 28 of each year, the trustees of the trust shall report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.
- (e)
- 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that:
    - a. Has been certified by the commissioner as a reinsurer in this state; and
    - b. Secures its obligations in accordance with the requirements of this paragraph.
  - 2. In order to be eligible for certification, the assuming insurer shall:
    - a. Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by subparagraph 4. of this paragraph;
    - b. Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the commissioner by administrative regulation;
    - c. Maintain financial strength ratings from two (2) or more rating agencies deemed acceptable by the commissioner by administrative regulation;
    - d. Agree to submit to the jurisdiction of this state, appoint the commissioner as its agent for service of process in this state, and agree to provide security for one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final United States judgment;
    - e. Agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis; and
    - f. Satisfy any other relevant requirements for certification as determined by the commissioner.
  - 3. An association, including incorporated and individual unincorporated underwriters, may be certified as a reinsurer in this state if the association satisfies the requirements of subparagraph 2. of this paragraph and:
    - a. The association satisfies its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection;
    - b. The incorporated members of the association are not engaged in any business other than underwriting as a member of the association and are subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and
    - c. The association provides the commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member within ninety (90) days after its financial statements are due to be filed with the association's domiciliary



regulator, or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.

- a. The commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in the qualified jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer.
    - b. In order to determine whether the domiciliary jurisdiction of an assuming insurer from a jurisdiction outside of the United States is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction outside of the United States, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the jurisdiction outside of the United States to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.
    - c. The commissioner shall consider the list of qualified jurisdictions published through the NAIC's committee process when determining qualified jurisdictions. If the commissioner approves a jurisdiction as qualified that does not appear on the list, the commissioner shall provide justification in accordance with criteria to be developed by the commissioner by administrative regulation.
    - d. Jurisdictions within the United States that meet the requirements for accreditation under the NAIC's financial standards and accreditation program shall be recognized as qualified.
    - e. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner may revoke or suspend the reinsurer's certification indefinitely, in lieu of revocation.
  5. The commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the commissioner by administrative regulation. The commissioner shall publish a list of all certified reinsurers and their ratings.
  6.
    - a. A certified reinsurer shall secure obligations assumed from United States ceding insurers pursuant to this paragraph at a level consistent with its rating as specified by administrative regulation promulgated by the commissioner.
    - b. In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with subsection (4) of this section, or in a multibeneficiary trust in accordance with paragraph (d) of this subsection, except as otherwise provided in this paragraph.
    - c. If a certified reinsurer maintains a trust to fully secure its obligations subject to paragraph (d) of this subsection, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for:
      - i. Its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions; and
      - ii. Its obligation subject to paragraph (d) of this subsection.
    - d. The commissioner shall not grant a certification pursuant to this paragraph unless the certified reinsurer agrees to bind itself, by language of the trust and agreement with the commissioner with principal regulatory oversight of each trust account, to fund, upon termination of any applicable trust account, out of the remaining surplus of the trust any deficiency of any other trust account.

- e. The minimum trustee surplus requirements provided in paragraph (d) of this subsection are not applicable to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred pursuant to this paragraph, except that the multibeneficiary trust shall maintain a minimum trustee surplus of ten million dollars (\$10,000,000).
  - f. With respect to obligations incurred by a certified reinsurer pursuant to this paragraph, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and the commissioner may impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.
  - g.
    - i. For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent (100%) of its obligations.
    - ii. As used in this subdivision, "terminated" includes revocation, suspension, voluntary surrender, and inactive status, except if the commissioner continues to assign a higher rating as permitted by this subsection, a certified reinsurer in inactive status or reinsurer whose certification has been suspended shall not be considered "terminated."
  - 7. If an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the commissioner may defer to that jurisdiction's certification and the rating assigned by that jurisdiction, and the reinsurer shall be considered a certified reinsurer in this state.
  - 8. A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.
- (f) ***Credit shall be allowed when the reinsurance is ceded to an assuming insurer if:***
- 1. ***The assuming insurer has its head office in, or is domiciled in, as applicable, and is licensed in, a reciprocal jurisdiction;***
  - 2. ***The assuming insurer has and maintains, on an ongoing basis:***
    - a. ***For assuming insurers that are not associations:***
      - i. ***Minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in administrative regulation; and***
      - ii. ***A minimum solvency or capital ratio, as applicable, as set forth in administrative regulation; or***
    - b. ***For assuming insurers that are associations, including incorporated and individual unincorporated underwriters:***
      - i. ***Minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth by the commissioner in administrative regulation; and***
      - ii. ***A minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed;***
  - 3. ***The assuming insurer agrees, and provides adequate assurance, in a form prescribed by the commissioner, to the following:***
    - a. ***To provide prompt written notice and explanation to the commissioner if the assuming insurer falls below the minimum requirements set forth in subparagraph 2. of this***

*paragraph, or if any regulatory action is taken against the assuming insurer for serious noncompliance with applicable law;*

- b. To submit the assuming insurer's consent, in writing, to the jurisdiction of the courts of this state and to the appointment of the commissioner as an agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this subdivision of this subparagraph shall be construed to limit, or in any way alter, the capacity for the parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;*
- c. To submit the assuming insurer's consent, in writing, to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;*
- d. To include in each reinsurance agreement, a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and*
- e. i. To confirm that the assuming insurer is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers; and*  
*ii. To notify the ceding insurer and the commissioner, and to provide security in the amount of one hundred percent (100%) of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into a solvent scheme of arrangement referenced in subpart i. of this subdivision. The security required under this subdivision shall be in a form consistent with the provisions of subsections (3)(e) and (4) of this section, as specified by the commissioner in administrative regulation;*
- 4. The assuming insurer or its legal successor provides, upon request of the commissioner, on behalf of itself and any legal predecessors, any documentation prescribed by the commissioner in administrative regulation;*
- 5. The assuming insurer maintains a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth by the commissioner in administrative regulation; and*
- 6. The assuming insurer's supervisory authority confirms to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements of subparagraph 2. of this paragraph.*

*Nothing in this paragraph precludes an assuming insurer from providing the commissioner with information on a voluntary basis.*

*(g) For purposes of paragraph (f) of this subsection:*

- 1. a. The commissioner shall timely create and publish a list of reciprocal jurisdictions which shall include reciprocal jurisdictions as defined in subsection (1) of this section.*
- b. The commissioner shall consider, and may approve, any other reciprocal jurisdiction:*
  - i. On the list of reciprocal jurisdictions published by the NAIC, through the NAIC committee process; and*
  - ii. That meets the criteria established by the commissioner by administrative regulation.*
- c. The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a*

*reciprocal jurisdiction, in accordance with a process established by the commissioner by administrative regulation, except, the commissioner shall not remove a reciprocal jurisdiction, as defined in subsection (1) of this section. Upon removal of a reciprocal jurisdiction from the commissioner's list, credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed if otherwise allowed under this section.*

2.
  - a. *The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions, and to which cessions shall be granted, as set forth in subsection (3)(f) of this section.*
  - b. *The commissioner may add an assuming insurer to the commissioner's list of assuming insurers under this subparagraph if an NAIC accredited jurisdiction has added such assuming insurer to its list of such assuming insurers, or if upon initial eligibility, the assuming insurer submits information to the commissioner as required under subsection (3)(f)4. of this section and complies with any additional requirements that the commissioner may impose by administrative regulation, except to the extent that there is a conflict with an applicable covered agreement.*
3.
  - a. *If the commissioner determines that an assuming insurer no longer meets one (1) or more of the requirements of subsection (3)(f) of this section, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under subsection (3)(f) of this section, in accordance with procedures set forth in administrative regulation.*
  - b. *While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection (4) of this section.*
  - c. *If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of subsection (4) of this section.*
4. *If subject to legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.*
5.
  - a. *Credit may be taken under paragraph (f) of this subsection for reinsurance agreements entered into, amended, or renewed, on or after the effective date of this Act, and only with respect to losses incurred and reserves reported after the later of:*
    - i. *The date on which the assuming insurer has met all eligibility requirements pursuant to paragraph (f) of this subsection; or*
    - ii. *The effective date of the new reinsurance agreement, amendment, or renewal.*
  - b. *Nothing in this paragraph shall be construed to alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under paragraph (f) of this subsection, as long as the reinsurance qualifies for credit under any other provision of this section.*
6. *Nothing in this paragraph or paragraph (f) of this subsection shall be construed to:*
  - a. *Limit or in any way alter the capacity of the parties to a reinsurance agreement to:*
    - i. *Agree on requirements for security or other terms in the reinsurance agreement, except as expressly prohibited by this section or other applicable law; or*
    - ii. *Renegotiate the agreement; or*

***b. Authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.***

**(h)** Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraph (a), (b), (c), (d), ~~for (e)~~, **or (f)** of this subsection, but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction or reinsurance ceded to a residual market mechanism reinsurance association, or the members thereof, created pursuant to law or which has been voluntarily created as such by its members with the approval of the commissioner.

**(i)**~~(g)~~ If the assuming insurer is not authorized, certified, or accredited to transact insurance or reinsurance in Kentucky, the credit permitted by paragraphs (c) and (d) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

1. That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, shall comply with all requirements necessary to give the court jurisdiction, and shall abide by the final decision of the court or of any appellate court in the event of an appeal; and
2. To designate the Secretary of State or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

**(j)**~~(h)~~ If the assuming insurer does not satisfy the requirements of paragraph (a), (b), ~~for (c)~~, **or (f)** of this subsection, the credit permitted by paragraph (d) or (e) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

1. Notwithstanding any other provisions in the trust instrument, if the trust is inadequate because it contains an amount less than the amount required by paragraph (d)2. of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust;
2. The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;
3. If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and
4. The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this paragraph.

**(k)**~~(i)~~ 1. If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification.

2. The commissioner shall provide the reinsurer notice and an opportunity for hearing prior to the entry of a suspension or revocation order.
3. A suspension or revocation order shall not take effect until after a hearing is conducted, unless:
  - a. The reinsurer waives its right to hearing;
  - b. The commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under paragraph (e)7. of this subsection; or

- c. The commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.
- 4. While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (4) of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with paragraph (e)6. of this subsection or subsection (4) of this section.
- ~~(l)(g)~~ 1. A ceding insurer shall manage its reinsurance recoverables proportionate to its own book of business and diversify its reinsurance program.
- 2.
  - a. A domestic ceding insurer shall notify the commissioner within thirty (30) days after:
    - i. Reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent (50%) of the domestic ceding insurer's last reported surplus to policyholders; or
    - ii. It is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed the limit set forth in subpart i. of this subdivision.
  - b. A domestic ceding insurer shall notify the commissioner within thirty (30) days after:
    - i. Ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent (20%) of the ceding insurer's gross written premium in the prior calendar year; or
    - ii. It has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed the limit set forth in subpart i. of this subdivision.
  - c. The notification required by this subparagraph shall demonstrate that the exposure is safely managed by the domestic ceding insurer.
- ~~(m)(k)~~ 1. In order to facilitate the prompt payment of claims, the commissioner may permit a certified reinsurer to defer posting the security for catastrophic recoverables for a period of up to one (1) year from the date of the first instance of a liability reserve entry by the ceding insurer as a result of a loss from a catastrophic occurrence.
- 2. Upon notice by the ceding insurer to the commissioner that the certified reinsurer has failed to pay claims owed under a reinsurance agreement in a timely manner, the commissioner shall notify the certified reinsurer that it is no longer permitted to defer the posting of security for catastrophic recoverables.
- 3. Reinsurance recoverables for only the following lines of business, as reported on the NAIC's annual financial statement related specifically to the catastrophic occurrence, shall be included in the deferral:
  - a. Fire;
  - b. Allied lines;
  - c. Farmowner's multiple peril;
  - d. Homeowner's multiple peril;
  - e. Commercial multiple peril;
  - f. Inland marine;
  - g. Earthquake; and
  - h. Auto physical damage.
- 4. The commissioner may promulgate administrative regulations to establish the process for a certified reinsurer to seek a deferral of posting of security for catastrophic recoverables.

- (4) An asset or a reduction from liability for the reinsurance ceded by an insurer to an assuming insurer not meeting the requirements of subsections (2) and (3) of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and the reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified United States financial institution. This security may be in the form of:
- (a) Cash;
  - (b) Securities listed by the Securities Valuation Office of the NAIC and qualifying as admitted assets, including those deemed exempt from filing, as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;
  - (c) Clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States financial institution no later than December 31 in respect of the year for which filing is being made, and in the possession of the ceding insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance, or confirmation, shall, notwithstanding the issuing, or confirming, institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or
  - (d) Any other form of security acceptable to the commissioner.
- (5) Cession of bulk reinsurance by a domestic insurer is subject to KRS 304.24-420.
- (6) (a) Credit shall be allowed as an asset or as a deduction from liability, to any ceding insurer for reinsurance ceded to an assuming insurer qualified therefor under subsection (2), (3), (4), or (5) of this section, except that no such credit shall be allowed unless the reinsurance contract provides, in substance, that in the event of the insolvency of the ceding insurer, the reinsurance shall be payable under a contract reinsured by the assuming insurer on the basis of reported claims allowed by the liquidation court, without diminution because of the insolvency of the ceding insurer. Such payments shall be made directly to the ceding insurer or to its domiciliary liquidator except:
1. Where the contract or other written agreement specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer; or
  2. Where the assuming insurer, with the consent of the direct insured, has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.
- (b) The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding. During the pendency of such claim, any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defenses which it deems available to the ceding insurer or its liquidator. Such expense may be filed as a claim against the insolvent ceding insurer to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. Where two (2) or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.
- (7) Upon request of the commissioner an insurer shall promptly inform the commissioner in writing of the cancellation or any other material change of any of its reinsurance treaties or arrangements.
- (8) (a) The commissioner may promulgate administrative regulations to:
1. Implement the provisions of this section; and
  2. Regulate any of the following reinsurance arrangements:
    - a. Life insurance policies with guaranteed nonlevel gross premium or guaranteed nonlevel benefits;

- b. Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;
  - c. Variable annuities with guaranteed death or living benefits;
  - d. Long-term care insurance policies; or
  - e. Such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.
- (b) An administrative regulation adopted pursuant to paragraph (a)2.a. or b. of this subsection may apply to any treaty containing policies issued:
  - 1. On or after January 1, 2015; or
  - 2. Prior to January 1, 2015, if risk pertaining to these policies is ceded in connection with the treaty in whole or in part, on or after January 1, 2015.
- (c) An administrative regulation adopted pursuant to paragraph (a)2. of this subsection:
  - 1. May require the ceding insurer, in calculating the amounts or forms of security required to be held by the insurer pursuant to this section, to use the Valuation Manual adopted by the NAIC under Section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable; and
  - 2. Shall not apply to cessions to an assuming insurer that:
    - a. ***Meets the requirements set forth in subsection (3)(f) of this section;***
    - b. Is certified in this state; or
    - c. ~~b. Maintains at least two hundred fifty million dollars (\$250,000,000) in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:~~
      - i. Licensed in at least twenty-six (26) states; or
      - ii. Licensed in at least ten (10) states, and licensed or accredited in a total of at least thirty-five (35) states.
- (d) The authority to promulgate administrative regulations pursuant to paragraph (a)2. of this subsection shall not limit the commissioner's general authority to promulgate administrative regulations pursuant to paragraph (a)1. of this subsection.
- (9) Subsections (1) to (4) of this section shall apply to all cessions after July 14, 1992, under reinsurance agreements which have had an inception, anniversary, or renewal date not less than six (6) months after July 14, 1992.

**Signed by Governor March 27, 2020.**

## CHAPTER 51

**( HB 453 )**

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

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

➔Section 1. KRS 186.400 is amended to read as follows:

- (1) The administration of the provisions of KRS 186.400 to 186.640~~[not specifically vested in the Transportation Cabinet or the circuit clerks]~~ shall be vested in the Transportation Cabinet. The Transportation Cabinet may prescribe regulations for the enforcement of KRS 186.400 to 186.640~~[, except that rules concerned with the functions and duties of the Transportation Cabinet provided in subsection (3) of this section shall be prescribed~~



~~by the Transportation Cabinet~~. The Transportation Cabinet also shall enforce regulations governing the acts of ~~off the circuit clerks and~~ motor vehicle operators under KRS 186.400 to 186.640 and require reports which it deems necessary.

- (2) The cabinet shall provide or cause to be provided to appropriate persons or officials an adequate supply of forms for the administration of KRS 186.400 to 186.640. The style of those forms and the method of their use shall be prescribed by the cabinet and shall be adequate to protect the safety interests of the state. The Transportation Cabinet shall prescribe the method of financial control.
- (3) (a) The Transportation Cabinet shall collect all moneys due the state ***under Section 20 of this Act*** ~~from the circuit clerks~~ for operators' licenses ***and personal identification cards*** issued, and shall deposit those moneys with the state treasurer.
- (b) At least once each year the secretary of the Transportation Cabinet shall cause a reconciliation to be made between the record of receipts by the Transportation Cabinet and the receipt of applications by the Transportation Cabinet.

➔Section 2. KRS 186.410 is amended to read as follows:

- (1) Every person except those exempted by KRS 186.420 and 186.430 shall, before operating a motor vehicle, motorcycle, or moped upon a highway, secure an operator's license as provided in this chapter.
- (2) Except as provided in KRS 186.4121, all original, renewal, and duplicate ***personal identification cards and*** licenses for the operation of motor vehicles, motorcycles, or mopeds shall be applied for ***with the Transportation Cabinet*** ~~[with the circuit clerk in the county of the applicant's residence]~~, or through alternative technology, ~~including a Transportation Cabinet mobile unit~~, and issued by the Transportation Cabinet. Subject to the provisions of KRS 186.4101, applications for renewal licenses ***and personal identification cards*** shall be made every eight (8) years within the birth month of the applicant. A license shall not be issued until the application has been certified by the cabinet and the applicant has, if required under KRS 186.635, successfully completed the examinations required under KRS 186.480.
- (3) All personal identification cards shall be issued under the provisions of KRS 186.4102, 186.4122, and 186.4123.
- (4) A person under the age of eighteen (18) years who applies for an instruction permit shall, at any time between the age of sixteen (16) and before the person's eighteenth birthday, enroll in one (1) of the following driver training programs:
  - (a) A driver's education course administered by a school district;
  - (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a course meeting or exceeding the minimum standards established by the Transportation Cabinet; or
  - (c) State traffic school. The person may seek to enroll in state traffic school before the person's eighteenth birthday. Persons enrolling in state traffic school pursuant to this paragraph shall not be required to pay a fee.
- (5) ~~[If, for any reason, a person fails to successfully complete the required driver training pursuant to subsection (4) of this section within one (1) year of being issued an operator's license, the Transportation Cabinet shall enroll the person in state traffic school and cancel or suspend the operator's driving privileges until the person completes state traffic school.]~~
- ~~(6)~~ Any applicant for any initial or renewal instruction permit, operator's license, or personal identification card under KRS 186.400 to 186.640 may apply for either:
  - (a) A voluntary travel ID document; or
  - (b) A standard document that does not meet standards for federal identification purposes.

➔Section 3. KRS 186.4101 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section,*** a license to operate a motor vehicle, motorcycle, or moped, ***or a personal identification card*** shall be renewed every eight (8) years prior to its expiration. Except as provided in KRS 186.410 ~~[and 186.4121]~~, a person seeking to renew an operator's license shall apply ***to the cabinet*** ~~[at the office of the circuit clerk in the county where the person resides]~~ in accordance with KRS 186.412 ***and 186.4121.***

- (2) *An applicant for a renewal license, instruction permit, or identification card may choose to be issued a document that is valid for* ~~In order to accommodate the transition from a four (4) year licensing schedule to an eight (8) year licensing schedule, the Transportation Cabinet may, during the first four (4) years after January 1, 2019, renew operator's licenses and personal identification cards with terms of both~~ four (4) ~~and eight (8))~~ years. *Fees for documents issued for a four (4) year period shall be adjusted in accordance with Section 20 of this Act.*

- (3) The fee to renew an operator's license *or personal identification card* shall be according to the schedule set forth in KRS 186.531.

➔Section 4. KRS 186.4102 is amended to read as follows:

- (1) Except as provided in subsection (9) of this section, the Transportation Cabinet shall issue operator's licenses and personal identification cards bearing a photograph of the applicant and other information the cabinet may deem appropriate to qualified applicants under this chapter. When taking the photograph, the applicant shall be prohibited from wearing sunglasses, veils, scarves, or any other attire that obscures or creates shadows upon any features of the applicant's face as determined by the ~~cabinet clerk~~. An applicant shall be required to remove eyewear that obstructs the iris or the pupil of the eyes and shall not take any action to obstruct a photograph of his or her facial features. The face shall be visible from the crown to the base of the chin and from ear to ear. Any person who refuses to remove attire prohibited by this subsection as directed by the person taking the application shall be prohibited from receiving an operator's license or personal identification card.
- (2) An operator's license or personal identification card issued by the cabinet shall not contain the applicant's Social Security number. The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A that develop a numbering system that uses an identification system other than Social Security numbers. If an applicant submits adequate proof that he or she does not have a Social Security number, the Transportation Cabinet shall assign the applicant a unique identifying number.
- (3) The license or personal identification card shall also designate by color coding and using the phrase "under 21" if the licensee or card holder is under the age of twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant to KRS Chapter 281A and is under the age of twenty-one (21).
- (4) The cabinet shall provide on each operator's license and personal identification card space for a notation that the holder of the license or personal identification card has expressed to the ~~cabinet circuit clerk~~ the person's willingness to make an anatomical gift under KRS 311.1917. If a person who has made a declaration under this subsection wishes to rescind that declaration, the person shall notify the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the notation from his or her records.
- (5) An operator's license issued pursuant to this chapter shall be designated a Class D license.
- (6) A person shall not have more than one (1) operator's license.
- (7) Upon marriage, dissolution of marriage, or any other qualifying event, if a person seeks to change his or her name, the person shall make a name change with the Social Security Administration prior to applying for an operator's license or a personal identification card and shall provide the ~~cabinet circuit clerk~~ with the person's marriage license, divorce decree, or other documentation. The name issued on the identity document shall match the person's *first and last* name as recorded with the Social Security Administration. Unless a person is eligible to renew his or her identity document at the time of the name change, the fee charged under this section shall be for a corrected identity document as set forth in KRS 186.531.
- (8) An identity document issued under this chapter shall contain a denotation that either:
  - (a) The identity document is a voluntary travel ID identity document that complies with the security standards set forth by Pub. L. No. 109-13, Title II, and may be used for identification for federal purposes; or
  - (b) The identity document shall not be used for federal identification purposes.
- (9) (a) The Transportation Cabinet may provide for the issuance of an instruction permit, operator's license, or personal identification card without a photograph if there is good cause for the omission based in documented religious objections. The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish the criteria and requirements for obtaining an operator's license, instruction permit, or personal identification card without a photograph.

- (b) An applicant for an initial instruction permit, operator's license, or personal identification card without a photograph shall apply to the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. The application shall be processed solely by the Transportation Cabinet in the same manner as in KRS 186.4121(5) and 186.4123(8).
- (c) An operator's license, instruction permit, or personal identification card issued without a photograph shall denote on its face that it shall not be accepted by any federal agency for identification or any other federal purpose.

➔Section 5. 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 *or she* 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 *or her* 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 *or her* own statement that he *or she* has been free of any seizures for ninety (90) days before the date of the application, and that he *or she* 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 ~~cabinet~~~~[(circuit clerk)]~~. The ~~cabinet~~~~[(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 *or her* condition is controlled by drugs or a statement that he *or she* 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 *or her* right to have an informal hearing on the matter of whether he *or she* 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 *or her* 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 *or her* 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 *or her* 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 6. KRS 186.412 is amended to read as follows:

- (1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.
- (2) An applicant shall apply for an instruction permit or operator's license **with the Transportation Cabinet**~~[(in the office of the circuit clerk of the county where the applicant lives)]~~, or through alternative technology. Except as provided in KRS 186.417, the application form shall require the applicant's:
  - (a) Full legal name and signature;
  - (b) Date of birth;
  - (c) Social Security number or a letter from the Social Security Administration declining to issue a Social Security number;
  - (d) Sex;

- (e) Present Kentucky resident address, exclusive of a post office box address alone;
  - (f) Other information necessary to permit the application of United States citizens to also serve as an application for voter registration;
  - (g) A brief physical description of the applicant;
  - (h) Proof of the applicant's Kentucky residency, including but not limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement; and
  - (i) Other information the cabinet may require by administrative regulation promulgated under KRS Chapter 13A.
- (3) In addition to the information identified in subsection (2) of this section, a permanent resident shall present one (1) of the following documents issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services:
- (a) An I-551 card with a photograph of the applicant; or
  - (b) A form with the photograph of the applicant or a passport with a photograph of the applicant on which the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, has stamped the following: "Processed for I-551. Temporary evidence of lawful admission for permanent residence. Valid until .... (Expiration Date). Employment authorized."
- (4) Upon application for an operator's license under this section, the ~~cabinet~~~~{circuit clerk}~~ shall capture a photograph of the applicant in accordance with the requirements of KRS 186.4102(1).
- (5) (a) Except as provided in paragraph (b) of this subsection, the ~~cabinet~~~~{circuit clerk}~~ shall electronically scan the documents required for application under this section and shall electronically ~~retain~~~~{forward}~~ the application, supporting documents, and the photograph of the applicant ~~to the Transportation Cabinet~~. Upon completion of any required examinations under KRS 186.480, the ~~cabinet~~~~{circuit clerk}~~ shall present the applicant with a temporary operator's license or instruction permit, which shall be valid for thirty (30) days until a permanent operator's license or instruction permit is mailed to the applicant by the Transportation Cabinet.
- (b) The ~~cabinet~~~~{circuit clerk}~~ shall only electronically scan the birth certificate of an individual applying for a voluntary travel ID instruction permit or operator's license. If the applicant is not seeking such a permit or license, the ~~cabinet~~~~{circuit clerk}~~ shall not electronically scan the applicant's birth certificate.
- (c) An applicant for an operator's license or instruction permit shall not be required to surrender the applicant's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the applicant during the course of obtaining a voluntary travel ID license or permit.
- (6) An applicant shall swear an oath to the ~~cabinet~~~~{circuit clerk}~~ as to the truthfulness of the statements contained in the form.
- ➔Section 7. KRS 186.4122 is amended to read as follows:
- (1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.
- (2) The Transportation Cabinet shall issue a personal identification card to an applicant who:
- (a) Is a Kentucky resident;
  - (b) Applies in person *to the cabinet*~~{in the office of the circuit clerk in his or her county of residence}~~ or through alternative technology; and
  - (c) Complies with the provisions of this section.
- (3) Upon application for a personal identification card under this section, the ~~cabinet~~~~{circuit clerk}~~ shall capture a photograph of the applicant in accordance with KRS 186.4102(1).
- (4) (a) Except as provided in paragraph (b) of this subsection, the ~~cabinet~~~~{circuit clerk}~~ shall electronically scan the documents required for application under this section and shall electronically ~~retain~~~~{forward}~~ the application, supporting documents, and the photograph of the applicant ~~to the Transportation Cabinet~~. The ~~cabinet~~~~{circuit clerk}~~ shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant by the Transportation Cabinet.

- (b) The ~~cabinet~~~~circuit clerk~~ shall only electronically scan the birth certificate of an individual applying for a voluntary travel ID personal identification card. If the applicant is not seeking such a document, the ~~cabinet~~~~circuit clerk~~ shall not electronically scan the applicant's birth certificate.
- (c) An applicant for a personal identification card shall not be required to surrender the applicant's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the applicant during the course of obtaining a voluntary travel ID personal identification card.
- (5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under KRS 186.412, except if an applicant does not have a fixed, permanent address, the applicant may use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky. An applicant who does not have a fixed, permanent address shall not be issued a voluntary travel ID personal identification card.
- (b) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.
- (c) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.
- (6) (a) Every applicant for a personal identification card under this section shall swear an oath to the ~~cabinet~~~~circuit clerk~~ as to the truthfulness of the statements contained on the application form.
- (b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.
- (7) A personal identification card issued under this section shall be valid for a period of eight (8) years from the date of issuance, except that if the personal identification card is issued to a person who does not have a fixed, permanent address, then the personal identification card shall be valid for one (1) year from the date of issuance.
- (8) (a) An applicant may be issued a personal identification card if the applicant currently holds a valid Kentucky instruction permit or operator's license, except that a person shall not hold more than one (1) license or personal identification card that is a voluntary travel ID identity document which indicates that it meets the requirements for federal identification under Pub. L. No. 109-13, Title II, as referenced in KRS 186.4102(8).
- (b) If a person's instruction permit or operator's license has been suspended or revoked, the person may be issued a ~~temporary~~ personal identification card. ***Subject to the limitations in paragraph (a) of this subsection,*** a ~~temporary~~ personal identification card ~~shall be renewed annually and~~ may be surrendered when the person applies to have his or her instruction permit or operator's license reinstated.

➔Section 8. KRS 186.416 is amended to read as follows:

- (1) If a resident of the Commonwealth currently serving in the United States military is stationed or assigned to a base or other location outside the boundaries of the Commonwealth, the resident, or the resident's spouse or dependents, may renew a Class D operator's license issued under this section by mail. If the resident, or his or her spouse or dependents, was issued an "under 21" operator's license, upon the date of the license holder's twenty-first birthday, the "under 21" operator's license may be renewed for an operator's license that no longer contains the outdated reference to being "under 21."
- (2) A resident of the Commonwealth renewing an operator's license by mail under subsection (1) of this section may have a personal designee apply to the ~~cabinet~~~~circuit clerk~~ on behalf of the resident to renew the resident's operator's license. An operator's license being renewed by mail under subsection (1) of this section shall be issued a license ***bearing the applicant's historical photo***~~without a photograph~~ if there is a ~~no~~ photo on file. If there is no photo on file, the license shall ***be issued without a photograph and shall*** show in the space provided for the photograph the legend "valid without photo and signature."
- (3) (a) 1. If a resident of the Commonwealth has been serving in the United States military stationed or assigned to a base or other location outside the boundaries of the Commonwealth and has

allowed his or her operator's license to expire, he or she shall, within ninety (90) days of returning to the Commonwealth, be permitted to renew his or her license without having to take a written test or road test.

2. The spouse or dependent of a person identified in subparagraph 1. of this paragraph shall be afforded the same consideration identified in that subparagraph regarding the renewal of an expired operator's license.
- (b) A person who meets the criteria in paragraph (a) of this subsection shall not be convicted or cited for driving on an expired license prior to license renewal during the ninety (90) days after the person's return to the Commonwealth if the person can provide proof of his or her out-of-state service and dates of assignment.
- (c) A person who meets the criteria in paragraph (a) of this subsection and who does not renew his or her license within ninety (90) days of returning to the Commonwealth shall be required to comply with the provisions of this chapter governing renewal of a license that has expired.
- (d) If a resident of the Commonwealth has been issued an "under 21" or "under 21 CDL" operator's license and the person is unable to renew the license on the date of his or her twenty-first birthday, the "under 21" or "under 21 CDL" operator's license shall be valid for ninety (90) days beyond the date of the person's twenty-first birthday.
- (4) (a) Any person who served in the active Armed Forces of the United States, including the Coast Guard, and any member of the National Guard or Reserve Component who completed the member's term of service and was released, separated, discharged, or retired therefrom under either an honorable discharge or a general under honorable conditions discharge may, at the time of initial application or application for renewal or duplicate, request that an operator's license or a personal identification card issued under this chapter bear the word "veteran" on the face or the back of the license or personal identification card.
- (b) The designation shall be in a style and format considered appropriate by the Transportation Cabinet. Prior to obtaining a designation requested under this subsection, the applicant shall present the ~~cabinet circuit clerk~~ with an original or copy of his or her ***Veteran Identification Card or Veteran Health Identification Card issued by the United States Department of Veterans Affairs, or a DD-214, DD-2, DD-256, DD-257, or NGB-22 form as proof of veteran status.*** The ~~cabinet circuit clerk~~ shall not be liable for fraudulent or misread forms presented.

➔Section 9. KRS 186.417 is amended to read as follows:

- (1) The Transportation Cabinet shall issue to any felony offender, if the felony offender is eligible, released from the Kentucky Department of Corrections or a Federal Bureau of Prisons facility located in Kentucky on home incarceration, parole, completed service of sentence, shock probation, or pardon, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.
- (2) Proper documentation under subsection (1) of this section shall consist of:
  - (a) The offender's certificate of birth;
  - (b) A copy of the offender's resident record card and parole certificate or notice of discharge;
  - (c) A photograph of the offender, printed on plastic card or paper; and
  - (d) A release letter that shall contain the offender's:
    1. Full legal name, subject to the information available to the Kentucky Department of Corrections or a Federal Bureau of Prisons facility located in Kentucky;
    2. Discharge/release date;
    3. Signature;
    4. Social Security number;
    5. Date of birth;
    6. Present Kentucky address where he or she resides; and
    7. Physical description.

- (3) The Transportation Cabinet shall issue to any felony offender, if the felony offender is eligible, probated or conditionally discharged by the court and under the supervision of the Division of Probation and Parole or the United States Probation Office, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.
- (4) Proper documentation under subsection (3) of this section shall consist of:
- (a) The offender's certificate of birth;
  - (b) The offender's sentencing order;
  - (c) A photograph of the offender, printed on plastic card or paper; and
  - (d) A notarized release letter, signed by the supervising officer verifying the offender's status on supervision, that shall contain the offender's:
    1. Full legal name, subject to the information available to the Division of Probation and Parole or the United States Probation Office;
    2. Signature;
    3. Social Security number;
    4. Date of birth;
    5. Present Kentucky address where he or she resides; and
    6. Physical description.
- (5) The offender shall present the documentation identified in subsection (2) or (4) of this section to the ~~cabinet~~~~circuit clerk~~ within thirty (30) calendar days from the date of the release letter and shall be responsible for paying the fee for the personal identification card or operator's license pursuant to KRS 186.531.
- (6) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish procedures for current inmates in state and federal prisons, who are deemed eligible by prison officials, to be issued operator's licenses to engage in work release activities or reentry initiatives. The administrative regulations shall address, at a minimum:
- (a) The information required for application, which shall include all information in paragraph (b) of this subsection which is germane to a current inmate. For purposes of this paragraph, the facility in which the inmate is housed shall be considered the inmate's residence;
  - (b) Required documentation from the Department of Corrections or the Federal Bureau of Prisons that the inmate meets the security criteria to be eligible for work outside of the facility;
  - (c) Procedures for license issuance; and
  - (d) Restrictions on use of the license, including a requirement that the inmate shall surrender the license to prison officials when the inmate is not engaged in work outside the facility.
- (7) ~~The cabinet~~~~Except as provided in subsection (8) of this section, the circuit clerk~~ shall process applications for operator's licenses and personal identification cards under this section in the same manner as in KRS 186.412 and 186.4122.
- (8) The Transportation Cabinet may enter into an agreement with the Kentucky Department of Corrections, the United States Probation Office, or the Federal Bureau of Prisons to use a mobile unit to begin the issuance process in this section.
- ➔Section 10. KRS 186.418 is amended to read as follows:
- (1) The Transportation Cabinet shall implement a voluntary statewide child identification program. The program shall issue a photo personal identification card to a child two (2) to fifteen (15) years of age.
  - (2) A parent or guardian may apply for a child identification card under this section at the ~~cabinet~~~~circuit clerk's office in the county in which the child resides~~. Application for a child identification card shall be accompanied by a Social Security card and a birth certificate for the child or other proof of the child's date of birth as provided under KRS 186.412. The card shall not contain the child's Social Security number.

- (3) (a) If the child's parent or guardian wishes to obtain a travel ID child identification card, the ~~cabinet~~~~circuit clerk~~ shall scan the application and supporting documentation, capture a photograph of the child in accordance with the provisions of KRS 186.4102(1), and ~~submit the application, documentation, and photograph to the Transportation Cabinet, who shall~~ issue the child identification card by mail.
- (b) If the child's parent or guardian does not wish to obtain a travel ID child identification card, the ~~cabinet~~~~circuit clerk~~ shall scan the application, capture a photograph of the child in accordance with the provisions of KRS 186.4102(1), and ~~submit the application and photograph to the Transportation Cabinet, who shall~~ issue the child identification card by mail.
- (c) A parent or guardian applying under this section shall not be required to surrender the child's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the parent or guardian during the course of obtaining a voluntary travel ID child identification card.
- (4) A child identification card issued under this section shall contain the child's name and the toll-free number of the Kentucky missing persons clearinghouse, Department of Kentucky State Police. The descriptive data and a photo image of the child shall be stored in the Kentucky driver's license information system and may be retrieved and used by public agencies subject to the provisions of the Driver's Privacy Protection Act, 18 U.S.C. sec. 2721, and may also be used by the Kentucky missing persons clearinghouse.
- (5) The fee for a child identification card shall be six dollars (\$6), **which** ~~Four dollars (\$4) of the fee~~ shall be deposited into the KYTC photo license account established in KRS 174.056. ~~Two dollars (\$2) of the fee shall be deposited in the Circuit Court clerk salary account established in KRS 27A.052.~~
- (6) A child identification card shall expire every **four (4)**~~two (2)~~ years on the child's birthday. Within the time period that the child identification card is valid, the card may be updated with a new photograph and information. The fee for an updated card shall be six dollars (\$6), with the fee distributed in the same manner as the fee for an initial card as described in subsection (5) of this section.
- (7) If a parent or guardian complies with the requirements of KRS 186.403 and 186.419, the parent or guardian may request that the child identification card issued to a minor child under this section be a voluntary travel ID identity document under KRS 186.403.
- (8) A child identification card issued under this section shall contain a denotation that either:
  - (a) The child identification card is a voluntary travel ID identity document that complies with the security standards set forth by Pub. L. No. 109-13, Title II, and may be used for identification for federal purposes; or
  - (b) The identity document shall not be used for federal identification purposes.

➔Section 11. KRS 186.419 is amended to read as follows:

- (1) In addition to the information required under KRS 186.412, 186.4121, 186.4122, and 186.4123, an applicant for a voluntary travel ID instruction permit, operator's license, or personal identification card under KRS 186.403 shall present two (2) of the following documents upon application or renewal that show the name and physical residential address of the applicant:
  - (a) Utility bill **that is less than one (1) year old**;
  - (b) Current lease or rental agreement;
  - (c) Bank statement **that is less than one (1) year old**;
  - (d) Mortgage statement;
  - (e) Telephone bill **that is less than one (1) year old**;
  - (f) Current insurance policy;
  - (g) State or federal tax return that is less than one (1) year old;
  - (h) Pay slip or salary statement **that is less than one (1) year old**;
  - (i) Record from an educational institution in Kentucky which establishes enrollment;~~or~~
  - (j) Kentucky voter registration card **that is less than one (1) year old**
  - (k) **Current property tax bill**;



- (l) *Current vehicle registration;*
  - (m) *Current operator's license, instruction permit, or personal identification card;*
  - (n) *Postmarked mail that is less than one (1) year old;*
  - (o) *Internal Revenue Service form W-2 from the most recent tax year available; or*
  - (p) *Internal Revenue Service form 1099 from the most recent tax year available.*
- (2) Any of the documents described in subsection (1) of this section that contains the name of the spouse of the applicant, together with a certified copy of the applicant's marriage license or marriage certificate, shall be considered acceptable documentation of proof of residence under subsection (1) of this section.
- (3) The Transportation Cabinet may promulgate administrative regulations under KRS Chapter 13A to identify additional documentation that would satisfy the proof of residence requirement under this section.
- ~~(4) Unless otherwise specified, the documentation furnished under subsection (1) of this section must be less than sixty one (61) days old.~~
- ~~(5)~~ A Kentucky post office box address is not sufficient proof of physical address for purposes of this section.
- ~~(5)~~~~(6)~~ The cabinet may require additional proof of physical address if the cabinet questions the validity or authenticity of the proof of physical address submitted by the applicant.
- ~~(6)~~~~(7)~~ In addition to the information required under KRS 186.412, 186.4121, 186.4122, and 186.4123, an applicant for a voluntary travel ID instruction permit, operator's license, or personal identification card under KRS 186.403 shall present valid documentary evidence that the applicant:
- (a) Is a citizen or national of the United States;
  - (b) Is an alien lawfully admitted for permanent or temporary residence in the United States;
  - (c) Has conditional permanent resident status in the United States;
  - (d) Has an approved application for asylum in the United States or has entered into the United States in refugee status;
  - (e) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
  - (f) Has a pending application for asylum in the United States;
  - (g) Has a pending or approved application for temporary protected status in the United States;
  - (h) Has approved deferred action status; or
  - (i) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

➔Section 12. KRS 186.435 is amended to read as follows:

- (1) Except as provided in subsection (4) of this section, a licensed driver who becomes a Kentucky resident shall, within thirty (30) days of establishing residency, apply for a Kentucky operator's license ***to the Transportation Cabinet***~~in the office of the circuit clerk in the county where the person has established his or her domicile~~.
- (2) The Transportation Cabinet shall, before issuing a person a Kentucky operator's license, verify through the National Drivers Register that the person applying for a Kentucky operator's license does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction.
- (3) A person who is not a United States citizen but who has been granted permanent resident status by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, and who is a Kentucky resident, shall follow the same procedures for applying for an original, renewal, transfer, or duplicate operator's license as persons who are United States citizens.
- (4) A licensed driver from another jurisdiction who:
  - (a) Is not a United States citizen;
  - (b) Has not been granted permanent resident status by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services;
  - (c) Becomes a Kentucky resident; and

(d) Wishes to operate a motor vehicle;

shall, within thirty (30) days of establishing residency, apply for a Kentucky operator's license under the provisions of KRS 186.4121.

➔Section 13. KRS 186.440 is amended to read as follows:

An operator's license shall not be granted to:

- (1) Any person who is not a resident of Kentucky;
- (2) Any person under the age of sixteen (16);
- (3) Any person under the age of eighteen (18) who holds a valid Kentucky instruction permit issued pursuant to KRS 186.450, but who has not graduated from high school or who is not enrolled and successfully participating in school or who is not being schooled at home, except those persons who satisfy the District Court of appropriate venue pursuant to KRS 159.051(3) that revocation of their license would create an undue hardship. Persons under the age of eighteen (18) shall present proof of complying with the requirements of KRS 159.051;
- (4) Any person whose operator's license has been suspended, during the period of suspension, subject to the limitations of KRS 186.442;
- (5) Any person whose operator's license has been revoked, nor to any nonresident whose privilege of exemption under KRS 186.430 has been refused or discontinued, until the expiration of the period for which the license was revoked, or for which the privilege was refused or discontinued;
- (6) Any applicant adjudged incompetent by judicial decree;
- (7) Any person who in the opinion of the Department of Kentucky State Police, after examination, is unable to exercise reasonable and ordinary control over a motor vehicle upon the highways;
- (8) Any person who is unable to understand highway warnings or direction signs in the English language;
- (9) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination;
- (10) Any person required by KRS Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof;
- (11) Any person who has not filed a correct and complete application attested to in the presence of a person authorized to administer oaths;
- (12) Any person who cannot meet the requirements set forth in KRS 186.411(1) or (3); or
- (13) Any person whose operator's license has been suspended or revoked under the provisions of KRS Chapter 186, 187, or 189A *who has not paid the reinstatement fee required under Section 20 of this Act* ~~until the person has forwarded to the cabinet a reinstatement fee of fifteen dollars (\$15). The fee shall be paid by certified check or money order payable to the State Treasurer who shall deposit five dollars (\$5) of the fee in a trust and agency fund to be used in defraying the costs and expenses of administering a driver improvement program for problem drivers. Ten dollars (\$10) of the fee shall be deposited by the State Treasurer into the Circuit Court clerk salary account established in KRS 27A.052. The provisions of this subsection shall not apply to any person whose license was suspended for failure to meet the conditions set out in KRS 186.411 when, within one (1) year of suspension, the driving privileges of the individuals are reinstated or to any student who has had his or her license revoked pursuant to KRS 159.051].~~

➔Section 14. KRS 186.442 is amended to read as follows:

- (1) The Transportation Cabinet shall, before issuing or renewing a Kentucky operator's license, verify through the National Drivers Register that the person applying for an initial or renewal Kentucky operator's license does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction.
- (2) If the person's operator's license or driving privilege is currently suspended or revoked in another licensing jurisdiction for a traffic offense where the conviction for the offense is less than five (5) years old, the Transportation Cabinet shall not issue the person an initial or renewal Kentucky operator's license until the person resolves the matter in the other licensing jurisdiction and complies with the provisions of this chapter.

- (3) A person whose operator's license has been suspended or revoked in another licensing jurisdiction, or the holder of a Kentucky operator's license whose driving privileges have been suspended in another licensing jurisdiction, may be issued a Kentucky license, or may renew a Kentucky license if:
  - (a) The conviction causing the suspension or revocation is more than five (5) years old;
  - (b) The conviction is for a traffic offense other than a felony traffic offense or a habitual violator offense; and
  - (c) The person has been a resident of the Commonwealth for at least five (5) years prior to the date of application for issuance or renewal.
- (4) (a) A person applying for an operator's license under subsection (3) of this section shall submit an application to the ~~cabinet~~~~[circuit clerk in the person's county of residence]~~, who shall electronically scan the application and supporting documents, along with a photograph of the applicant captured in accordance with KRS 186.4102(1), into the cabinet database.
- (b) The ~~cabinet~~~~[circuit clerk]~~ shall review the person's documentation, including the person's photograph, in the cabinet database. If the documentation is verified as accurate, and if the person successfully completes any examinations required under KRS 186.480 and pays the reinstatement fee required under **Section 20 of this Act**~~[KRS 186.440]~~, the ~~cabinet~~~~[circuit clerk]~~ shall present the applicant with a temporary operator's license, which shall be valid for thirty (30) days, until a permanent operator's license is mailed to the applicant by the Transportation Cabinet.
- (5) A person issued a Kentucky operator's license in accordance with subsection (3) of this section shall be issued an operator's license marked "Valid in Kentucky Only" and shall sign a statement that the person understands that he or she may be subject to arrest and detention if stopped by a law enforcement officer in another state while operating a motor vehicle on this restricted license.
- (6) If a person granted a license under subsection (3) of this section satisfies the requirements to have the suspension or revocation in another state lifted, the person shall apply to the ~~cabinet~~~~[circuit clerk]~~ to be issued a new license without the restrictions outlined in subsection (3) of this section.
- (7) The provisions of subsection (3) of this section shall not apply to a commercial driver's license.

➔Section 15. KRS 186.444 is amended to read as follows:

- (1) The Transportation Cabinet shall promulgate administrative regulations to establish a medical review board. The purpose of the medical review board shall be to receive cases relating to the ability of an applicant or holder of a motor vehicle operator's license to drive due to physical or mental disability which may affect or limit a person's ability to safely operate a motor vehicle.
- (2) The secretary shall appoint any number of physicians licensed in the Commonwealth to the medical review board. Not less than three (3) members shall be present in order to conduct an informal hearing. Each member shall receive two hundred dollars (\$200) per day for attending meetings of the board and shall be reimbursed for necessary expenses incurred in attending meetings.
- (3) The cabinet shall promulgate administrative regulations regarding the procedures of the medical review board in conducting informal hearings.
- (4) The cabinet shall not promulgate administrative regulations for the purpose of creating tests or other criteria that might limit a person's ability to obtain or retain an operator's license because **that person**~~he~~ may be considered too old to drive.
- (5) Any person aggrieved by a decision made as a result of an informal hearing conducted under authority of KRS 186.411 and this section may appeal, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

➔Section 16. KRS 186.450 is amended to read as follows:

- (1) A person who is at least sixteen (16) years of age may apply for an instruction permit to operate a motor vehicle. A person who possesses a valid intermediate motor vehicle operator's license issued under KRS 186.452 or a person who is at least eighteen (18) years of age may apply for an instruction permit to operate a motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may also operate a moped under that permit. A person applying for an instruction permit under this section shall make application **to the Transportation Cabinet**~~in the office of the circuit clerk in the county where the person lives~~. A person applying for an instruction permit shall be required to comply with the following:

- (a) If the person is under the age of eighteen (18), the instruction permit application shall be signed by the applicant's parent or legal guardian. If the person does not have a living parent or does not have a legal guardian, the instruction permit application shall be signed by a person willing to assume responsibility for the applicant pursuant to KRS 186.590;
  - (b) If the person is under the age of eighteen (18) and in the custody of the Cabinet for Health and Family Services, the instruction permit application shall be signed by:
    - 1. The applicant's parent, legal guardian, grandparent, adult sibling, aunt, or uncle if the parental rights have not been terminated in accordance with KRS Chapter 625;
    - 2. The foster parent with whom the applicant resides;
    - 3. Another person who is at least age eighteen (18) and is willing to assume responsibility for the applicant pursuant to KRS 186.590; or
    - 4. The applicant, without another person, upon verification by the Cabinet for Health and Family Services in accordance with KRS 605.102 that shall include proof of financial responsibility in accordance with KRS 186.590(2); and
  - (c) All applicants for an instruction permit shall comply with the examinations required by KRS 186.480.
- (2) If an applicant successfully passes the examinations required by KRS 186.480, the applicant shall be issued an instruction permit upon payment of the fee set forth in KRS 186.531.
- (3) (a) An instruction permit to operate a motor vehicle shall be valid for three (3) years and may be renewed. An instruction permit to operate a motorcycle shall be valid for one (1) year and may be renewed one (1) time.
- (b) Except as provided in KRS 186.415, a person who has attained the age of sixteen (16) years and is under the age of eighteen (18) years shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an intermediate license and shall have an intermediate license for a minimum of one hundred eighty (180) days before applying for an operator's license.
- (c) A person who was under eighteen (18) years of age at the time of application for an instruction permit and is eighteen (18) years of age or older shall have the instruction permit a minimum of one hundred eighty (180) days and complete a driver training program under KRS 186.410(4) before applying for an operator's license.
- (d) A person who is at least eighteen (18) years of age and is under the age of twenty-one (21) years at the time of application for an instruction permit shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an operator's license.
- (e) A person who is at least twenty-one (21) years of age at the time of application for an instruction permit shall have the instruction permit a minimum of thirty (30) days before applying for an operator's license.
- (f) In accordance with KRS 15A.352(5), a person whose motorcycle instruction permit has expired may apply to the ~~cabinet~~~~circuit clerk~~ to receive a motorcycle operator's license or endorsement if the person presents proof of successful completion of a motorcycle safety education course approved by the Justice and Public Safety Cabinet under KRS 15A.350 to 15A.366.
- (4) (a) A person shall have the instruction permit in his possession at all times when operating a motor vehicle, motorcycle, or moped upon the highway.
- (b) When operating a motor vehicle, a motor vehicle instruction permit holder shall be accompanied by a person with a valid operator's license who is at least twenty-one (21) years of age occupying the seat beside the operator at all times.
- (c) The requirements of paragraph (b) of this subsection shall not apply to a motor vehicle instruction permit holder being supervised on a multiple-vehicle driving range by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or nonpublic secondary school.
- (5) A person with an instruction permit who is under the age of eighteen (18) shall not operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight and 6 a.m. unless the person can demonstrate good

cause for driving, including but not limited to emergencies, involvement in school-related activities, or involvement in work-related activities.

- (6) Except when accompanied by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or nonpublic secondary school, a person with an instruction permit who is under the age of eighteen (18) years shall not operate a motor vehicle at any time when accompanied by more than one (1) unrelated person who is under the age of twenty (20) years. A peace officer shall not stop or seize a person nor issue a uniform citation for a violation of this subsection if the officer has no other cause to stop or seize the person other than a violation of this subsection. This subsection shall not apply to any operator of a vehicle registered under the provisions of KRS 186.050(4) who is engaged in agricultural activities.
- (7) A violation under subsection (4), (5), or (6) of this section, a conviction for a moving violation under KRS Chapter 189 for which points are assessed by the cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional minimum of one hundred eighty (180) days from the date of the violation before a person who is under the age of eighteen (18) years may apply for an intermediate license to operate a motor vehicle, motorcycle, or moped.
- (8) A person under the age of eighteen (18) who accumulates more than six (6) points against his driving privilege may have the driving privilege suspended pursuant to KRS Chapter 186 or probated by the court.
- ~~[(9) An applicant for relicensing after revocation shall pay the clerk a fee of twenty five dollars (\$25). The twenty five dollar (\$25) fee shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated and persons reinstated pursuant to KRS 159.051.]~~

➔Section 17. KRS 186.480 is amended to read as follows:

- (1) The Department of Kentucky State Police shall examine every applicant for an operator's license as identified in KRS 186.635, except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless:
  - (a) The applicant is granted written permission by the **Transportation Cabinet**~~the circuit clerk of the county in which he or she resides~~ to take the examination in another county, and the Department of Kentucky State Police agree to arrange for the examination in the other county; or
  - (b) The applicant is tested using a bioptic telescopic device.
- (2) The examination shall include a test of the applicant's eyesight to ensure compliance with the visual acuity standards set forth in KRS 186.577. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, the applicant's knowledge of traffic laws, and an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle. An applicant for a motorcycle operator's license shall be required to show his or her ability to operate a motorcycle, in addition to other requirements of this section. The provisions of this subsection shall not apply to an applicant who:
  - (a) At the time of application, holds a valid operator's license from another state, provided that state affords a reciprocal exemption to a Kentucky resident; or
  - (b) Is a citizen of the Commonwealth who has been serving in the United States military and has allowed his or her operator's license to expire.
- (3) Any person whose intermediate license or operator's license is denied, suspended, or revoked for cause shall apply for reinstatement at the termination of the period for which the license was denied, suspended, or revoked by submitting to the examination. The provisions of this subsection shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated.
- (4) An applicant shall not use an autocycle for road skills testing administered under the provisions of this section.

➔Section 18. KRS 186.490 is amended to read as follows:

- (1) ***The circuit clerk of each county shall continue to issue standard identity documents until the cabinet determines that a cabinet regional office can assume those duties. All circuit clerk issuing offices shall be closed by June 30, 2022.***
- (2) The circuit clerk of each county ***that operates an office that issues standard identity credentials*** shall:

- (a)~~[(1)]~~ Comply with all rules and regulations issued by the cabinet under KRS 186.400 relating to his or her duties;
- (b)~~[(2)]~~ Act for the cabinet for the purpose of issuing temporary operator's licenses, instruction permits, and personal identification cards;
- (c)~~[(3)]~~ Administer the oath required by KRS 186.412 and 186.4122 to the applicant without fee;
- (d)~~[(4)]~~ Report and remit monthly to the state all moneys collected during the preceding month and remit a copy of all applications taken by him during the same period to the Transportation Cabinet. Upon failure of any clerk to report and remit therefor more than seven (7) days after the due date, he shall pay, in addition to the amount due, a penalty of ten percent (10%) of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under KRS 186.531; and
- (e)~~[(5)]~~ Keep adequate records of all moneys collected and remitted to the state.

➔Section 19. KRS 186.520 is amended to read as follows:

- (1) A person whose license has been legitimately lost or destroyed, shall apply to the **Transportation Cabinet**~~[circuit clerk in the county in which the most recent permanent license was obtained]~~ in order to make application for a duplicate license. The person shall furnish satisfactory proof by affidavit substantiating the loss or destruction when applying for a duplicate license.
- (2) The fee for a duplicate license shall be according to the schedule set forth in KRS 186.531.

➔Section 20. KRS 186.531 is amended to read as follows:

- (1) As used in this section:
  - (a) "AOC Fund" means the circuit court clerk salary account created in KRS 27A.052;
  - (b) "GF" means the general fund;
  - (c) "IP" means instruction permit;
  - (d) "License Fund" **or** "**LF**" means the KYTC photo license account created in KRS 174.056;
  - (e) "MC" means motorcycle;
  - (f) "MC Fund" **or** "**MCF**" means the motorcycle safety education program fund established in KRS 15A.358;
  - (g) "OL" means operator's license; and
  - (h) "PIDC" means personal identification card.
- (2) The fees imposed for voluntary travel ID operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

<i>Card Type</i>	<i>Fee</i>	<i>LF</i>	<i>GF</i>	<i>MCF</i>
<b><i>OL (initial/renewal)</i></b>	<b><i>\$48</i></b>	<b><i>\$48</i></b>	<b><i>\$0</i></b>	<b><i>\$0</i></b>
<b><i>OL (Under 21) (Up to 4 years)</i></b>	<b><i>\$18</i></b>	<b><i>\$18</i></b>	<b><i>\$0</i></b>	<b><i>\$0</i></b>
<b><i>Any OL, MC, or combination</i></b>				
<b><i>(duplicate/corrected)</i></b>	<b><i>\$15</i></b>	<b><i>\$13.25</i></b>	<b><i>\$1.75</i></b>	<b><i>\$0</i></b>
<b><i>Motor vehicle IP (3 years)</i></b>	<b><i>\$18</i></b>	<b><i>\$16</i></b>	<b><i>\$2</i></b>	<b><i>\$0</i></b>
<b><i>Motorcycle IP (1 year)</i></b>	<b><i>\$18</i></b>	<b><i>\$13</i></b>	<b><i>\$1</i></b>	<b><i>\$4</i></b>
<b><i>Motorcycle OL (initial/renewal)</i></b>	<b><i>\$48</i></b>	<b><i>\$38</i></b>	<b><i>\$0</i></b>	<b><i>\$10</i></b>
<b><i>Combination vehicle/MC OL</i></b>				
<b><i>(initial/renewal)</i></b>	<b><i>\$58</i></b>	<b><i>\$48</i></b>	<b><i>\$0</i></b>	<b><i>\$10</i></b>
<b><i>PIDC (initial/renewal)</i></b>	<b><i>\$28</i></b>	<b><i>\$25</i></b>	<b><i>\$3</i></b>	<b><i>\$0</i></b>
<b><i>PIDC (duplicate/corrected)</i></b>	<b><i>\$15</i></b>	<b><i>\$13.50</i></b>	<b><i>\$1.50</i></b>	<b><i>\$0</i></b>

Card	Fee	Road	License	AOC	GF	MC
Type		Fund	Fund	Fund		Fund
OL						
(initial/renewal)	\$48	\$31	\$7	\$10	\$0	\$0
OL (Under 21)						
(Up to 4 years)	\$18	\$8.50	\$5	\$4.50	\$0	\$0
Any OL, MC OL or combination						
(duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
Motor vehicle IP						
(3 years)	\$18	\$6	\$5	\$5	\$2	\$0
Motorcycle IP						
(1 year)	\$18	\$6	\$5	\$2	\$1	\$4
Motorcycle OL						
(initial/renewal)	\$48	\$19.50	\$9	\$9.50	\$0	\$10
Combination vehicle/MC OL						
(initial/renewal)	\$58	\$28	\$7	\$13	\$0	\$10
PIDC						
(initial/renewal)	\$28	\$11	\$8	\$6	\$3	\$0
PIDC						
(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0

(3) The fees imposed for standard operator's licenses, instruction permits, and personal identification cards shall be as follows:~~{-}~~

(a) *If the identity document is issued through a circuit clerk's office*, the fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card	Fee	Road	License	AOC	GF	MC
Type		Fund	Fund	Fund		Fund
OL						
(initial/renewal)	\$43	\$28	\$7	\$8	\$0	\$0
OL (Under 21)						
(Up to 4 years)	\$15	\$7.50	\$4	\$3.50	\$0	\$0
Any OL, MC OL or combination						
(duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
Motor vehicle IP						
(3 years)	\$15	\$5	\$4	\$4	\$2	\$0
Motorcycle IP						
(1 year)	\$15	\$5	\$4	\$1	\$1	\$4
Motorcycle OL						

(initial/renewal)	\$43	\$17.50	\$8	\$7.50	\$0	\$10
Combination vehicle/MC OL						
(initial/renewal)	\$53	\$25	\$7	\$11	\$0	\$10
PIDC						
(initial/renewal)	\$23	\$8	\$8	\$4	\$3	\$0
PIDC						
(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
PIDC						
(no fixed address)						
KRS 186.4122(5) and 186.4123(5)	\$10	\$0	\$5	\$5	\$0	\$0

(b) *If the identity document is issued through a Transportation Cabinet office, the fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:*

<i>Card Type</i>	<i>Fee</i>	<i>LF</i>	<i>GF</i>	<i>MCF</i>
<i>OL(initial/renewal)</i>	<i>\$43</i>	<i>\$43</i>	<i>\$0</i>	<i>\$0</i>
<i>OL (Under 21) (Up to 4 years)</i>	<i>\$15</i>	<i>\$15</i>	<i>\$0</i>	<i>\$0</i>
<i>Any OL, MC, or combination</i>				
<i>(duplicate/corrected)</i>	<i>\$15</i>	<i>\$13.25</i>	<i>\$1.75</i>	<i>\$0</i>
<i>Motor vehicle IP (3 years)</i>	<i>\$15</i>	<i>\$13</i>	<i>\$2</i>	<i>\$0</i>
<i>Motorcycle IP (1 year)</i>	<i>\$15</i>	<i>\$10</i>	<i>\$1</i>	<i>\$4</i>
<i>Motorcycle OL (initial/renewal)</i>	<i>\$43</i>	<i>\$33</i>	<i>\$0</i>	<i>\$10</i>
<i>Combination vehicle/MC OL</i>				
<i>(initial/renewal)</i>	<i>\$53</i>	<i>\$43</i>	<i>\$0</i>	<i>\$10</i>
<i>PIDC (initial/renewal)</i>	<i>\$23</i>	<i>\$20</i>	<i>\$3</i>	<i>\$0</i>
<i>PIDC (duplicate/corrected)</i>	<i>\$15</i>	<i>\$13.50</i>	<i>\$1.50</i>	<i>\$0</i>
<i>PIDC (no fixed address) under</i>				
<i>KRS 186.4122(5)/186.4123(5)</i>	<i>\$10</i>	<i>\$10</i>	<i>\$0</i>	<i>\$0</i>

- (4) The fee for a second or subsequent duplicate personal identification card for a person who does not have a fixed, permanent address, as allowed under KRS 186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal identification card.
- (5) The fee for a four (4) year original or renewal license issued pursuant to KRS 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and (3) of this section. The distribution of fees shown in subsections (2) and (3) of this section shall also be reduced by fifty percent (50%) for licenses that are issued for four (4) years.
- (6) Any fee for any identity document applied for using alternative technology under KRS 186.410 and 186.4122 shall be distributed in the same manner as a document applied for *in person* with the ~~cabinet clerk~~.
- (7) (a) An applicant for an original or renewal operator's license, *permit*, commercial driver's license, motorcycle operator's license, or personal identification card shall be requested by the ~~cabinet clerk~~ to make a donation to promote an organ donor program.
- (b) ~~A donation under this subsection shall be two dollars (\$2) for any license or card with an eight (8) year term, and one dollar (\$1) for any license or card with a term of less than eight (8) years.~~



- ~~(e)}~~ The donation under this subsection shall be added to the regular fee for an original or renewal motor vehicle operator's license, **permit**, commercial driver's license, motorcycle operator's license, or personal identification card. One (1) donation may be made per issuance or renewal of a license or any combination thereof.
- ~~(c)}~~~~(d)}~~ The fee shall be paid to the **cabinet**~~{circuit clerk}~~ and shall be forwarded by the **cabinet**~~{clerk}~~ on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal.
- (8) In addition to the fees outlined in this section, the following individuals, upon application for an initial or renewal operator's license, instruction permit, or personal identification card, shall pay an additional application fee of thirty dollars (\$30), which shall be deposited in the **photo license account**~~{road fund}~~:
- (a) An applicant who is not a United States citizen or permanent resident and who applies under KRS 186.4121 or 186.4123; or
  - (b) An applicant who is applying for a instruction permit, operator's license, or personal identification card without a photo under KRS 186.4102(9).
- (9) (a) *Except for individuals exempted under paragraph (c) of this subsection, an applicant for relicensing after revocation or suspension shall pay a reinstatement fee of forty dollars (\$40).*
- (b) *The reinstatement fee under this subsection shall be distributed by the State Treasurer as follows:*
- 1. *Thirty-five dollars (\$35) shall be deposited into the photo license account; and*
  - 2. *Five dollars (\$5) shall be deposited into a trust and agency fund to be used in defraying the costs and expenses of administering a driver improvement program for problem drivers.*
- (c) *This subsection shall not apply to:*
- 1. *Any person whose license was suspended for failure to meet the conditions set out in Section 5 of this Act when, within one (1) year of suspension, the driving privileges of the individual are reinstated; or*
  - 2. *A student who has had his or her license revoked pursuant to KRS 159.051.*
- (10) *Beginning July 1, 2020, as payment for any fee identified in this section, the cabinet:*
- (a) *Shall accept cash and personal checks; and*
  - (b) *May accept other methods of payment in accordance with KRS 45.345.*

➔Section 21. KRS 186.535 is amended to read as follows:

- (1) From the portion of the fee for each eight (8) year original or renewal operator's license which is assigned to the **photo license account**~~{road fund}~~ under KRS 186.531, two dollars (\$2) shall be credited to a special account within the road fund, and shall be used exclusively by the Transportation Cabinet for the purpose of expanding the state driver education program, and two dollars (\$2) shall be paid to the fiscal court of the county where the driver's license is issued to be used by the fiscal court for county road purposes. The distribution of fees under this subsection shall be reduced by fifty percent (50%) for licenses issued for a four (4) year term in accordance with KRS 186.4101.
- (2) From the fee for each annual registration of a motorcycle pursuant to KRS 186.050, four dollars (\$4) shall be credited to a special account within the road fund and shall be used exclusively for the purpose of the motorcycle safety education program fund pursuant to KRS 186.050.

➔Section 22. KRS 186.540 is amended to read as follows:

- (1) Except as provided in subsections (2) and (3) of this section, when any person, after applying for or receiving an operator's license or personal identification card, moves from the address named in the application or on the identity document issued to the person, or when the name of a identity document holder is changed, by marriage or otherwise, the person shall within ten (10) days after the change apply to the **Transportation Cabinet**~~{circuit clerk in the person's county of residence}~~ for the issuance of a corrected license. The fee for a corrected license shall be as set forth in KRS 186.531.

- (2) If an identity document holder's street name or postal address is changed and the person has not moved to a new residence, the person shall apply to the ~~cabinet~~~~[circuit clerk]~~ for a corrected identity document, which shall be issued free of charge.
- (3) If a person receives an identity document that contains an error, the person shall apply to the ~~cabinet~~~~[circuit clerk]~~ for a corrected identity document, which shall be issued free of charge.

➔Section 23. KRS 186.574 is amended to read as follows:

- (1) The Transportation Cabinet shall establish a state traffic school for new drivers and for traffic offenders. The school shall be composed of uniform education and training elements designed to create a lasting influence on new drivers and a corrective influence on traffic offenders. District Courts may in lieu of assessing penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to state traffic school and no other.~~[-The Transportation Cabinet shall enroll a person in state traffic school who fails to complete a driver's education course pursuant to KRS 186.410(5).]~~
- (2) If a District Court stipulates in its judgment of conviction that a person attend state traffic school, the court shall indicate this in the space provided on the abstract of conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the Transportation Cabinet, or its representative, shall schedule the person to attend state traffic school. Failure of the person to attend and satisfactorily complete state traffic school in compliance with the court order, may be punished as contempt of the sentencing court. The Transportation Cabinet shall not assess points against a person who satisfactorily completes state traffic school. However, if the person referred to state traffic school holds or is required to hold a commercial driver's license, the underlying offense shall appear on the person's driving history record.
- (3) The Transportation Cabinet shall supervise, operate, and administer state traffic school, and shall promulgate administrative regulations pursuant to KRS Chapter 13A governing facilities, equipment, courses of instruction, instructors, and records of the program. In the event a person sentenced under subsection (1) of this section does not attend or satisfactorily complete state traffic school, the Transportation Cabinet may deny that person a license or suspend the license of that person until he reschedules attendance or completes state traffic school, at which time a denial or suspension shall be rescinded.
- (4) Persons participating in the state traffic school as provided in this section shall pay a fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c), a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are dedicated to the ~~photo license account~~~~[road fund]~~ for use in the state driver education program may be used for the purposes of state traffic school.
- (5) The following procedures shall govern persons attending state traffic school pursuant to this section:
  - (a) A person convicted of any violation of traffic codes set forth in KRS Chapters 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of the trial judge, be sentenced to attend state traffic school. Upon payment of the fee required by subsection (4) of this section, and upon successful completion of state traffic school, the sentence to state traffic school shall be the person's penalty in lieu of any other penalty, except for the payment of court costs;
  - (b) Except as provided in KRS 189.990(28), a person shall not be eligible to attend state traffic school who has been cited for a violation of KRS Chapters 177, 186, or 189 that has a penalty of mandatory revocation or suspension of an offender's driver's license;
  - (c) Except as provided in KRS 189.990(28), a person shall not be eligible to attend state traffic school for any violation if, at the time of the violation, the person did not have a valid driver's license or the person's driver's license was suspended or revoked by the cabinet;
  - (d) Except as provided in KRS 189.990(28), a person shall not be eligible to attend state traffic school more than once in any one (1) year period, unless the person wants to attend state traffic school to comply with the driver education requirements of KRS 186.410; and
  - (e) The cabinet shall notify the sentencing court regarding any person who was sentenced to attend state traffic school who was ineligible to attend state traffic school. A court notified by the cabinet pursuant to this paragraph shall return the person's case to an active calendar for a hearing on the matter. The court shall issue a summons for the person to appear and the person shall demonstrate to the court why an alternative sentence should not be imposed.

- (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may operate a traffic safety program for traffic offenders prior to the adjudication of the offense.
- (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders holding a commercial driver's license under KRS Chapter 281A, or offenders coming within the provisions of subsection (5)(b) or (c) of this section shall be excluded from participation in a county attorney-operated program.
- (c) A county attorney that operates a traffic safety program:
1. May charge a reasonable fee to program participants, which shall only be used for payment of county attorney office operating expenses; and
  2. Shall, by October 1 of each year, report to the Prosecutors Advisory Council the fee charged for the county attorney-operated traffic safety program and the total number of traffic offenders diverted into the county attorney-operated traffic safety program for the preceding fiscal year categorized by traffic offense.
- (d) Each participant in a county attorney-operated traffic safety program shall, in addition to the fee payable to the county attorney, pay a twenty-five dollar (\$25) fee to the court clerk, which shall be paid into a trust and agency account with the Administrative Office of the Courts and is to be used by the circuit clerks to hire additional deputy clerks and to enhance deputy clerk salaries.
- (e) Each participant in a county attorney-operated traffic safety program shall, in addition to the fee payable to the county attorney and the fee required by paragraph (d) of this subsection, pay a thirty dollar (\$30) fee to the county attorney in lieu of court costs. On a monthly basis, the county attorney shall forward the fees collected pursuant to this paragraph to the Finance and Administration Cabinet to be distributed as follows:
1. Ten and eight-tenths percent (10.8%) to the spinal cord and head injury research trust fund created in KRS 211.504;
  2. Nine and one-tenth percent (9.1%) to the traumatic brain injury trust fund created in KRS 211.476;
  3. Five and eight-tenths percent (5.8%) to the special trust and agency account set forth in KRS 42.320(2)(f) for the Department of Public Advocacy;
  4. Five and seven-tenths percent (5.7%) to the crime victims compensation fund created in KRS 49.480;
  5. One and two-tenths percent (1.2%) to the Justice and Public Safety Cabinet to defray the costs of conducting record checks on prospective firearms purchasers pursuant to the Brady Handgun Violence Prevention Act and for the collection, testing, and storing of DNA samples;
  6. Sixteen and eight-tenths percent (16.8%) to the county sheriff in the county from which the fee was received;
  7. Nine and one-tenth percent (9.1%) to the county treasurer in the county from which the fee was received to be used by the fiscal court for the purposes of defraying the costs of operation of the county jail and the transportation of prisoners;
  8. Thirty-three and two-tenths percent (33.2%) to local governments in accordance with the formula set forth in KRS 24A.176(5); and
  9. Eight and three-tenths percent (8.3%) to the Cabinet for Health and Family Services for the implementation and operation of a telephonic behavioral health jail triage system as provided in KRS 210.365 and 441.048.

➔Section 24. KRS 186.579 is amended to read as follows:

- (1) The Transportation Cabinet shall issue, to an applicant who successfully passes the operator's license examination outlined in KRS 186.578(4), an operator's license with the following restrictions:
- (a) Required use of a bioptic telescopic device;
  - (b) Restricted to daytime driving upon the recommendation of a vision specialist; and
  - (c) Restricted to vehicles with left and right outside mirrors.

- (2) A restriction to daytime driving in accordance with subsection (1) of this section shall be removed if the licensed driver:
  - (a) Obtains a recommendation from a vision specialist;
  - (b) Successfully completes additional evaluation and training specifically designed for night driving from a certified driver training program; and
  - (c) Passes a comprehensive night driving examination.
- (3) An operator's license issued under KRS 186.578 and 186.579 shall be effective for one (1) year and shall expire on the last day of the birth month of the license holder. The license holder shall undergo a comprehensive visual examination by a vision specialist before a license can be renewed. If the vision specialist certifies that the conditions causing the visual impairment are stable, then the ~~cabinet/circuit clerk~~ shall issue a renewal license. If the conditions causing the visual impairment are unstable or deteriorating, the license holder may be required to undergo additional testing as required by the department before a renewal license may be issued.

➔Section 25. KRS 186.580 is amended to read as follows:

~~{(1) If the circuit clerk refuses to issue a license or a motorcycle operator's license to an applicant, the applicant may appeal to the cabinet.~~

~~(2) If any person is aggrieved by any final order of the cabinet relating to the denial, revocation, suspension, or cancellation of an operator's license or motorcycle operator's license other than orders of revocation or suspension when the facts render revocation or suspension mandatory, he may file a petition for judicial review in the Circuit Court of the county in which he resides, or in the Franklin Circuit Court in accordance with KRS Chapter 13B.~~

➔Section 26. KRS 186.010 is amended to read as follows:

As used in this chapter, unless otherwise indicated:

- (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet; except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270, means the Transportation Cabinet only with respect to motor vehicles, other than commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the Department of Vehicle Regulation when used with respect to commercial vehicles;
- (2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license, or privilege, for the purpose of vehicular traffic;
- (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten (10) new motor vehicles;
- (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a moped as defined in this section, but for registration purposes shall include low-speed vehicles and military surplus vehicles as defined in this section and vehicles operating under KRS 189.283;
- (5) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour;
- (6) "Operator" means any person in actual control of a motor vehicle upon a highway;
- (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who pursuant to a bona fide sale has received physical possession of the vehicle subject to any applicable security interest.
- (b) A vehicle is the subject of an agreement for the conditional sale or lease, with the vendee or lessee entitled to possession of the vehicle, upon performance of the contract terms, for a period of three hundred sixty-five (365) days or more and with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional

vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.

- (c) A licensed motor vehicle dealer who transfers physical possession of a motor vehicle to a purchaser pursuant to a bona fide sale, and complies with the requirements of KRS 186A.220, shall not be deemed the owner of that motor vehicle solely due to an assignment to his dealership or a certificate of title in the dealership's name. Rather, under these circumstances, ownership shall transfer upon delivery of the vehicle to the purchaser, subject to any applicable security interest;
- (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, except electric low-speed scooters, road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the city limit of any municipality.
- (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except electric low-speed scooters, devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires;
- (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses;
- (10) "Dealer" means any person engaging in the business of buying or selling motor vehicles;
- (11) "Commercial vehicles" means all motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being used for commercial or business purposes, and motor vehicles registered under KRS 186.060;
- (12) "Resident" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement. The possession by an operator of a vehicle of a valid Kentucky operator's license shall be prima-facie evidence that the operator is a resident of Kentucky;
- (13) "Special status individual" means:
  - (a) "Asylee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "asylum status granted indefinitely pursuant to Section 208 of the Immigration & Nationality Act";
  - (b) "K-1 status" means the status of any person lawfully present in the United States who has been granted permission by the United States Department of Justice, Immigration and Naturalization Service to enter the United States for the purpose of marrying a United States citizen within ninety (90) days from the date of that entry;
  - (c) "Refugee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "admitted as a refugee pursuant to Section 207 of the Immigration & Nationality Act"; and
  - (d) "Paroled in the Public Interest" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "paroled pursuant to Section 212 of the Immigration & Nationality Act for an indefinite period of time";
- (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle instruction permits;
- (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that exceeds fifty (50) miles per hour, has a seat or saddle for the use of the operator, and is designed to travel on not more than three (3) wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. Only for purposes of registration, "motorcycle" shall include a motor scooter, an alternative-speed motorcycle, and an auticycle as defined in this section, but shall not include a tractor or a moped as defined in this section;

- (16) "Low-speed vehicle" means a motor vehicle that:
- (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
  - (b) Is four (4) wheeled; and
  - (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacturer;
- (17) "Alternative-speed motorcycle" means a motorcycle that:
- (a) Is self-propelled using an electric motor;
  - (b) Is three (3) wheeled;
  - (c) Has a fully enclosed cab and includes at least one (1) door for entry;
  - (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified by the manufacturer; and
  - (e) Is not an autocycle as defined in this section;
- (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a highway or otherwise open to the public on which a number of motor vehicles may be used simultaneously to provide driver training under the supervision of one (1) or more driver training instructors;
- (19) "Autocycle" means any motor vehicle that:
- (a) Is equipped with a seat that does not require the operator to straddle or sit astride it;
  - (b) Is designed to travel on three (3) wheels in contact with the ground;
  - (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as certified by the manufacturer;
  - (d) Allows the operator and passenger to ride either side-by-side or in tandem in a seating area that may be enclosed with a removable or fixed top;
  - (e) Is equipped with a three (3) point safety belt system;
  - (f) May be equipped with a manufacturer-installed air bags or a roll cage;
  - (g) Is designed to be controlled with a steering wheel and pedals; and
  - (h) Is not an alternative-speed motorcycle as defined in this section;
- (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle that:
- (a) Is not operated using continuous tracks;
  - (b) Was originally manufactured for and sold directly to the Armed Forces of the United States; and
  - (c) Was originally manufactured under the federally mandated requirements set forth in 49 C.F.R. sec. 571.7;
- (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (22) "Identity document" means an instruction permit, operator's license, or personal identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- (23) "Travel ID," as it refers to an identity document, means a document that complies with Pub. L. No. 109-13, Title II;~~and~~
- (24) "Motor scooter" means a low-speed motorcycle that is:
- (a) Equipped with wheels greater than sixteen (16) inches in diameter;
  - (b) Equipped with an engine greater than fifty (50) cubic centimeters;
  - (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
  - (d) Equipped with brake horsepower of two (2) or greater; and

(e) Equipped with a step-through frame or a platform for the operator's feet; *and*

- (25) *"Alternative technology," as used in KRS 186.400 to 186.640, means methods used by the cabinet to facilitate the issuance of operator's licenses and personal identification cards outside of the normal in-person application at a cabinet office, including but not limited to a cabinet mobile unit or online services.*

➔Section 27. KRS 189A.340 (Effective July 1, 2020) is amended to read as follows:

- (1) (a) If a person's license is suspended pursuant to this chapter and the initial suspension was for a violation of KRS 189A.010(1)(a), (b), (e), or (f), the sole license the person shall be eligible for is an ignition interlock license pursuant to this section.
- (b) If a person's license is suspended pursuant to this chapter and the initial suspension was for a violation of KRS 189A.010(1)(c) or (d), the person shall be eligible for an ignition interlock license pursuant to this section and may be eligible for a hardship license pursuant to KRS 189A.410.
- (2) (a) A person may apply for an ignition interlock license anytime, including after receiving the notices under KRS 189A.105 or after his or her license has been suspended pursuant to this chapter.
- (b) If at the time the person applies for an ignition interlock license, the person's license has been suspended pursuant to this chapter, the person shall be authorized to drive to:
  1. An ignition interlock device provider to have a functioning ignition interlock device installed in his or her motor vehicle or motorcycle; and
  2. The **Transportation Cabinet** ~~at the circuit clerk's office in the person's county of residence~~ to obtain an ignition interlock license;

This paragraph shall only apply within fourteen (14) days of the date printed on the ignition interlock approval letter issued by the Transportation Cabinet and if the person has the ignition interlock approval letter in the motor vehicle or motorcycle.

- (3) Before the Transportation Cabinet shall issue an ignition interlock license, the person shall:
    - (a) Submit an application for an ignition interlock license;
    - (b) Provide proof of motor vehicle insurance;
    - (c) Provide an ignition interlock certificate of installation issued by an ignition interlock device provider; and
    - (d) Provide any other information required by administrative regulations promulgated by the Transportation Cabinet under KRS 189A.350.
  - (4) An ignition interlock license shall restrict the person to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device, unless the person qualifies for an employer exemption under subsection (6) of this section. This restriction shall remain in place for:
    - (a) If a person's license was suspended pretrial pursuant to KRS 189A.200, the required suspension period under KRS 189A.200(6);
    - (b) If a person's license was suspended pursuant to KRS 189A.070 or 189A.107:
      1. The required suspension period under KRS 189A.070(1); and
      2. a. If the maximum suspension period under KRS 189A.070(1)(a) has not yet been met, until the Transportation Cabinet has received a declaration from the person's ignition interlock device provider, in a form provided or approved by the cabinet, certifying that none of the violations outlined in subdivision b. of this subparagraph has occurred:
        - i. For a first offense within a ten (10) year period of KRS 189A.010(1)(a), (b), (c), (d), or (e) or for any offense of KRS 189A.010(1)(f), in the ninety (90) consecutive days; and
        - ii. For all subsequent offenses within a ten (10) year period of KRS 189A.010(1)(a), (b), (c), (d), or (e), one hundred twenty (120) consecutive days;
- prior to the date of releasing the ignition interlock device restriction.

- b. If any of the following occur, it shall be a violation of the ninety (90) or one hundred twenty (120) consecutive day requirement:
      - i. Failure to take any random breath alcohol concentration test unless a review of the digital image confirms that the motor vehicle or motorcycle was not occupied by a driver at the time of the missed test;
      - ii. Failure to pass any random retest with a breath alcohol concentration of 0.02 or lower unless a subsequent test performed within ten (10) minutes registers a breath alcohol concentration lower than 0.02, and the digital image confirms the same person provided both samples;
      - iii. Failure of the person, or his or her designee, to appear at the ignition interlock device provider when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device;
      - iv. Failure of the person to pay fees established pursuant to subsection (7) of this section;
      - v. Tampering with an installed ignition interlock device with the intent of rendering it defective; or
      - vi. Altering, concealing, hiding, or attempting to alter, conceal, or hide, the person's identity from the ignition interlock device's camera while providing a breath sample;
    - (c) If a person's license was suspended pursuant to KRS 189A.090, for the required suspension period under KRS 189A.090(2); or
    - (d) If a person's license suspension was extended pursuant to KRS 189A.345, the required suspension period under KRS 189A.345(1).
- (5) (a) The time period a person:
  - 1. Holds a valid ignition interlock license pursuant to this section; or
  - 2. Receives alcohol or substance abuse treatment in an inpatient residential facility;
 shall apply on a day-for-day basis toward satisfying the suspension periods detailed in subsection (4) of this section.
- (b) Except as provided in paragraph (c) of this subsection, the Transportation Cabinet shall give the person a day-for-day credit for any time period the person:
  - 1. Held a valid ignition interlock license; or
  - 2. Received alcohol or substance abuse treatment in an inpatient residential facility.
- (c) A person shall not receive day-for-day credit for days the person utilized the employer exemption in accordance with subsection (6) of this section and drove an employer's motor vehicle or motorcycle not equipped with a functioning ignition interlock device.
- (6) (a) A person with an ignition interlock license may operate a motor vehicle or motorcycle not equipped with a functioning ignition interlock device if:
  - 1. The person is required to operate an employer's motor vehicle or motorcycle in the course and scope of employment; and
  - 2. The business entity that owns the motor vehicle or motorcycle is not owned or controlled by the person.
- (b) To qualify for the employer exemption, the person shall provide the Transportation Cabinet with a sworn statement from his or her employer stating that the person and business entity meet the requirements of paragraph (a) of this subsection.
- (7) (a) Except as provided in paragraph (c) of this subsection, an ignition interlock device provider may charge the following fees:



1. An installation fee for an alternative fuel vehicle or a vehicle with a push button starter not to exceed one hundred thirty dollars (\$130), an installation fee for all other vehicles not to exceed one hundred dollars (\$100);
  2. A monthly fee not to exceed one hundred dollars (\$100);
  3. A removal fee not to exceed thirty dollars (\$30);
  4. A reset fee not to exceed fifty dollars (\$50); or
  5. A missed appointment fee not to exceed thirty-five dollars (\$35).
- (b) A person who is issued an ignition interlock license shall pay fees as established in his or her lease agreement with the ignition interlock device provider for any ignition interlock device installed in his or her motor vehicle or motorcycle. However, the fees shall never be more than allowed under paragraph (a) of this subsection and are subject to paragraph (c) of this subsection.
- (c) Any person who has an income:
1. At or below two hundred percent (200%) but above one hundred fifty percent (150%) of the federal poverty guidelines, shall pay only seventy-five percent (75%) of fees established pursuant to paragraph (a) of this subsection;
  2. At or below one hundred fifty percent (150%) but above one hundred percent (100%) of the federal poverty guidelines, shall pay only fifty percent (50%) of fees established pursuant to paragraph (a) of this subsection; or
  3. At or below one hundred percent (100%) of the federal poverty guidelines, shall pay only twenty-five percent (25%) of fees established pursuant to paragraph (a) of this subsection;

As used in this paragraph, "federal poverty guidelines" has the same meaning as in KRS 205.5621. The Transportation Cabinet shall determine the person's income and where that income places the person on the federal poverty guidelines.

- (d) Neither the Commonwealth, the Transportation Cabinet, nor any unit of state or local government shall be responsible for payment of any costs associated with an ignition interlock device.
- (8) For a person issued an ignition interlock license under this section who is residing outside of Kentucky, the Transportation Cabinet may accept an ignition interlock certificate of installation from an ignition interlock device provider authorized to do business in the state where the person resides if the ignition interlock device meets the requirements of that state.

➔Section 28. KRS 281A.090 is amended to read as follows:

- (1) Except when driving under a commercial driver's instruction permit and accompanied by the holder of commercial driver's license valid for the vehicle being driven, no person shall drive a commercial motor vehicle on the highways of this state unless the person holds a valid commercial driver's license with applicable endorsements valid for the vehicle he or she is driving.
- (2) No person shall drive a commercial motor vehicle on the highways of this state while his or her driving privilege for a commercial or noncommercial motor vehicle is suspended, revoked, or canceled, or while he or she is subject to a disqualification, or in violation of an out-of-service order.
- (3) The licensee shall have in his or her immediate possession at all times when operating a motor vehicle his or her commercial driver's license, and shall display the license upon demand to **the Transportation Cabinet**~~a circuit clerk~~, a license examiner, a peace officer, a State Police officer, or an inspector or officer of the Department of Vehicle Regulation. It shall be a defense to a violator of this subsection if the person so charged produces in court a commercial driver's license, issued to him or her before his or her arrest or violation and which was valid at that time.

➔Section 29. KRS 281A.130 is amended to read as follows:

- (1) A person shall not be issued a commercial driver's license unless that person:
  - (a) Is a resident of this state;
  - (b) Holds a valid operator's license;
  - (c) Has complied with the provisions of KRS 281A.300;

- (d) Except as provided in KRS 281A.165, has passed the knowledge and skills tests for driving a commercial motor vehicle which comply with minimum federal standards established by federal regulation enumerated in Title 49, Code of Federal Regulations, Part 383, as adopted by the cabinet; and
  - (e) Has satisfied all other safety requirements including those requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted as set forth in KRS 281A.160.
- (2) A commercial driver's license, or commercial driver's instruction permit shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license or driving privilege is suspended, revoked, or canceled in any state or jurisdiction.
  - (3) A commercial driver's license shall not be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which shall be returned to the issuing jurisdiction for cancellation.
  - (4) To ensure that an applicant for a commercial driver's license or instruction permit complies with the requirements of subsections (2) and (3) of this section, the **Transportation Cabinet**~~{circuit clerk}~~ shall verify through the commercial driver's license information system and national driver register that the person applying for a Kentucky CDL does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction. If the person's operator's license or driving privilege is currently suspended or revoked in another licensing jurisdiction, the **Transportation Cabinet**~~{circuit clerk}~~ shall not issue the person a Kentucky CDL until the person resolves the matter in the other licensing jurisdiction and complies with the provisions of this chapter and KRS Chapter 186.

➔Section 30. KRS 281A.140 is amended to read as follows:

- (1) The application for a commercial driver's license or commercial driver's instruction permit shall include the following information:
  - (a) The full legal name, including nicknames, and present Kentucky resident address of the applicant. If the applicant's mailing address is different from the resident address, the mailing address shall also be included. If the applicant is not a resident, the application shall include the person's resident address in the person's state of domicile and the address of the Kentucky driver training school where the applicant is currently enrolled;
  - (b) A physical description of the applicant including sex, height, weight, eye color, and race;
  - (c) The applicant's date of birth;
  - (d) The applicant's Social Security number;
  - (e) The applicant's signature;
  - (f) Certifications including those required by Title 49, Code of Federal Regulations, secs. 383.71, 383.73, and 384.206, as adopted by the cabinet;
  - (g) A consent to release driving record information;
  - (h) A valid Class D operator's license issued pursuant to KRS 186.4102 and 186.412;
  - (i) A birth certificate if the applicant does not hold a valid operator's license at the time of application;
  - (j) The name of every jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the ten (10) year period immediately preceding the date of the application; and
  - (k) Any other information required by the cabinet.
- (2) The cabinet or state police may require any other information needed in order to process the application.
- (3) When the holder of a commercial driver's license changes his or her name or residence, the information shall be reported to the cabinet within ten (10) days. The holder of a Class A, B, or C license shall make an application for a duplicate license within thirty (30) days of changing his name or address.
- (4) Any person whose commercial driver's license has been legitimately lost or destroyed shall make an application for a duplicate:
  - (a) A person applying for the first duplicate within the time period for which the original license was issued, shall apply **to the Transportation Cabinet**~~{in the office of the circuit clerk in the county where~~

~~the person resides~~. The person shall provide the ~~cabinet~~~~clerk~~ with proof of the person's identity and a notarized affidavit with a raised seal explaining in detail the loss or destruction of the original license.

- (b) A person applying for a second or subsequent duplicate within the time period for which the original license was issued, shall apply to the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. The person shall provide the cabinet with proof of the person's identity and a notarized affidavit explaining in detail the loss or destruction of the previous duplicate issued. The Transportation Cabinet shall, within thirty (30) days of receipt of the application, review the person's proof of identity and affidavit and determine if the person will be issued a duplicate.
- (5) A person who is a resident of this state shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
- (6) Any person who knowingly falsifies information or certifications required to obtain a commercial driver's license, a commercial driver's license permit, or a duplicate commercial driver's license subsequent to an administrative hearing conducted in accordance with KRS 186.570, shall be subject to suspension, revocation, or cancellation of his commercial driver's license for a period of at least sixty (60) consecutive days.

➔Section 31. KRS 281A.150 is amended to read as follows:

- (1) Every person seeking a commercial driver's license or a commercial driver's instruction permit shall first apply in person to the ~~cabinet~~~~circuit clerk of the county in which the applicant resides or in the county where the person is enrolled in a driver training school if the applicant is not a resident~~. The application shall be in the form prescribed by KRS 281A.140 as provided by the cabinet. Except as provided in KRS 281A.160(6), each time a person applies for a commercial driver's license, an instruction permit, or seeks to upgrade or change his or her commercial driver's license, the person shall be required to:
  - (a) Update the application; and
  - (b) Submit the appropriate fee to the ~~cabinet~~~~circuit clerk~~.
- (2) In addition to the fees for an operator's license under KRS 186.531, the cabinet shall set fees by administrative regulation, pursuant to KRS Chapter 13A, for the following applications that shall not exceed:
  - (a) Forty dollars (\$40) for each application for a commercial driver's license. The fee shall be based on the class, type of license, endorsement, restriction, or tests to be taken;
  - (b) Thirty-five dollars (\$35) for each application for a commercial driver's instruction permit;
  - (c) Fifteen dollars (\$15) for each application for a change or addition in class or type of license, endorsement, or restriction; and
  - (d) Forty dollars (\$40) for each application for a duplicate if it is the first duplicate applied for within the time period for which the original license was issued. Sixty dollars (\$60) for a second or subsequent duplicate applied for within the time period for which the original license was issued. The fees required for a duplicate shall be in addition to fees charged under subsection (2)(c) of this section.
- (3) In addition to the fees for an operator's license KRS 186.531, the cabinet shall set fees by administrative regulation, pursuant to KRS Chapter 13A, for the following commercial driver's licenses that shall not exceed:
  - (a) Forty-five dollars (\$45) for each initial or renewal of a commercial driver's license;
  - (b) Sixty dollars (\$60) for each transfer of a commercial driver's license; and
  - (c) Thirty dollars (\$30) for each initial or renewal of a commercial driver's license with an "S" endorsement.
- (4) All fees remitted to the ~~cabinet~~~~clerk~~ shall be nonrefundable regardless of whether the applicant completes the requirements for a commercial driver's license or is tested.
- (5) All fees collected for the issuance of a commercial driver's license or a commercial driver's instruction permit shall be deposited into trust and agency accounts to be used exclusively for the administration and implementation of this chapter, except as prescribed in subsection (6) of this section. The accounts shall not lapse but shall be continuing from year to year.
- (6) All fees collected pursuant to this section, shall be allocated between the Transportation Cabinet and Department of Kentucky State Police, except a fifty cent (\$0.50) issuance fee shall be allocated to the general

fund from issuance of a commercial driver's license permit. A three dollar (\$3) issuance fee shall be allocated to the general fund from issuance of a commercial driver's license.

- (7) Any applicant who seeks reinstatement of his or her commercial driving privilege after a suspension, withdrawal, revocation, or disqualification shall pay a reinstatement fee of fifty dollars (\$50) in addition to those fees required by subsection (2) of this section and shall satisfy the requirements of KRS 281A.160. This fee shall not be required if his or her commercial driving privilege was withdrawn only as a result of the withdrawal of his or her privilege to drive a noncommercial motor vehicle.
- (8) ***Beginning July 1, 2020, as payment for any fee identified in this section, the cabinet:***
  - (a) ***Shall accept cash and personal checks; and***
  - (b) ***May accept other methods of payment in accordance with KRS 45.345.***

➔Section 32. KRS 281A.300 is amended to read as follows:

- (1) Any person initially applying for, or initially renewing, a Kentucky CDL instruction permit or operator's license, shall be required to undergo a state and national criminal history background check of state and federal wanted or "hot file" records conducted by the State Police. All initial and renewal application forms for a Kentucky CDL instruction permit or operator's license shall conspicuously state the following: "STATE LAW REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF APPLYING FOR A KENTUCKY CDL. ANY PERSON WHO REFUSES TO SUBMIT TO A CRIMINAL HISTORY BACKGROUND CHECK SHALL NOT BE ELIGIBLE TO APPLY FOR, OR BE ISSUED, A KENTUCKY CDL."
- (2) The results of the state and national criminal history background checks shall be sent to the cabinet for review within seventy-two (72) hours. An applicant for a CDL instruction permit may enroll in a commercial driver training program under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A, and may be issued a CDL instruction permit upon enrollment, however the status of the applicant retaining the CDL instruction permit shall not be determined until the results of the background checks are made available to the cabinet. The cabinet shall inform ~~an~~~~(the)~~ applicant~~—and the circuit clerk of persons who~~, based upon the criminal history background check, ***of the applicant's eligibility***~~are either eligible or ineligible~~ to be issued a CDL instruction permit or CDL. The cabinet shall promulgate administrative regulations under KRS Chapter 13A to specify conditions that will cause a person to be denied a CDL instruction permit or CDL based upon the person's criminal history background check.
- (3) Any fee charged by the State Police to conduct a criminal history background check shall be paid by the applicant and shall not be refundable. Any fee charged to conduct a criminal history background check shall be an amount not greater than the actual cost of processing the request and conducting the search.
- (4) The criminal history background checks required by this section shall be in addition to any type of background check that may be required by federal statute, rule, regulation, or order.

➔Section 33. KRS 281A.320 is amended to read as follows:

Any person initially renewing a commercial driver's license or adding an endorsement after September 30, 2002, shall apply for the renewal at least thirty (30) days prior to the expiration date of the license. The purpose of the early renewal procedures is to ensure the criminal history background check required under KRS 281A.300 may be completed prior to the expiration date on the license. A person may obtain the information necessary to conduct the criminal history background check from the ~~cabinet~~~~circuit clerk~~. If the person has a law enforcement agency other than the State Police conduct the background check, the law enforcement agency may charge the person a nonrefundable fee for the service. Any fee charged by any law enforcement agency to conduct a criminal history background check shall be an amount not greater than the actual cost of processing the request and conducting the search.

➔Section 34. 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 ***Transportation Cabinet***~~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 ***Transportation Cabinet***~~(circuit clerk's)~~ office through which any particular voter is registered shall not be disclosed to the public.

➔Section 35. KRS 116.0455 is amended to read as follows:

- (1) (a) Each motor vehicle driver's license application, including any renewal application, submitted to the appropriate motor vehicle authority shall serve as an application for voter registration unless the applicant fails to sign the voter registration application.
- (b) An application for voter registration submitted under paragraph (a) of this subsection shall be considered as updating any previous voter registration by the applicant.
- (2) No information relating to the failure of an applicant for a motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.
- (3) (a) The Transportation Cabinet shall include a voter registration application form as part of an application for a motor vehicle driver's license.
- (b) The voter registration application portion of an application for a motor vehicle driver's license shall comply with the requirements of Section 5 of Public Law 103-31, the National Voter Registration Act of 1993.
- (4) Any change of address form submitted for purposes of a motor vehicle driver's license shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.
- (5) (a) A completed voter registration portion of an application for a motor vehicle driver's license accepted by ***the Transportation Cabinet***~~(a circuit clerk)~~ shall be transmitted to the county clerk of the county of the applicant's voting residence not later than ten (10) days after the date of acceptance.
- (b) If a voter registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence not later than five (5) days after the date of acceptance.
- (6) The ***Transportation Cabinet***~~(circuit clerk)~~ shall provide to the county clerk a declination statement signed by an applicant if the applicant has declined to register to vote.

➔Section 36. KRS 116.085 is amended to read as follows:

- (1) When a voter changes his place of residence to another location within the county, the clerk shall, upon application of the voter in person, by mail, or through ***the Transportation Cabinet***~~(a circuit clerk)~~, transfer the voter's registration record to the proper precinct.
- (2) When a registered voter changes his place of residence from one (1) precinct to another within the same county before the registration books are closed and fails to transfer his registration with the county clerk prior to the date the registration books are closed, the voter shall be permitted to update the voting records and to

vote in the present election at the appropriate precinct for the current address upon affirmation of his current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall also confirm his identity as required in KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote has been challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.

- (3) When a registered voter changes his place of residence from one (1) precinct to another precinct within the same county after the registration books close, the voter shall be permitted to vote in the present election at the appropriate precinct for the current address upon affirmation of his current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall confirm his identity as required by KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote is challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.
- (4) When the boundaries of a precinct are changed by law, placing a registered voter in a new or different precinct, the clerk shall automatically transfer the voter's registration record to the proper precinct and mail the voter a notice of the change.
- (5) A voter who has changed his name may indicate the change at the precinct on election day by completing the form provided for this purpose by the State Board of Elections. The form shall be returned by the precinct officer to the county clerk who shall make the necessary change on the voter's registration record.

➔Section 37. KRS 27A.052 is amended to read as follows:

- (1) The Circuit Court clerk salary account is created as a trust and agency account in the State Treasury to be administered by the Administrative Office of the Courts. The account shall consist of the portion of fees directed to the account under KRS ~~186.440 and~~ 186.531 and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of the account.
- (2) Notwithstanding KRS 45.229, any moneys remaining in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (3) Any interest earnings of the account shall become a part of the account and shall not lapse.
- (4) Moneys in the account shall be used for the purposes of hiring additional deputy circuit clerks and providing salary adjustments to deputy circuit clerks and are hereby appropriated for these purposes.

➔Section 38. Beginning July 1, 2020, the Transportation Cabinet shall ensure the each cabinet office it opens for the purposes of issuing identity documents be open on Saturdays for processing applications for an aggregate total of eight hours each month. This requirement shall remain in effect until June 30, 2022.

➔Section 39. For fiscal years 2020-2021 and 2021-2022, the Transportation Cabinet shall ensure that a cabinet mobile unit visits, for the purposes of issuing identity documents, those counties where a permanent licensing office is not located, based upon the following schedule:

- (1) For counties with a population of 25,000 or less, two times per year;
- (2) For counties with a population of more than 25,000, but less than or equal to 50,000, three times per year;
- (3) For counties with a population of more than 50,000, but less than or equal to 80,000, four times per year; and
- (4) For counties with a population in excess of 80,000, five times per year.

The cabinet shall give advance notice of mobile unit visits under this section as part of its overall educational campaign. Nothing in this section shall prohibit the cabinet from using a mobile unit to visit counties at any time prior to July 1, 2020, to visit a county where a permanent licensing office exists, or to visit counties more than the minimum times required by this section.

➔Section 40. Whereas, the Commonwealth faces an October 2020 deadline for issuance of identity documents used for federal identification purposes, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor March 27, 2020.**

## CHAPTER 52

( SB 38 )

AN ACT relating to the disposition of human remains.

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

➔Section 1. KRS 367.93117 is amended to read as follows:

The right to control the disposition of a decedent's body, make arrangements for funeral services, make arrangements for burial **or cremation**, 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 KRS 367.93101 to 367.93121; 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;
- (8) If none of the persons described in subsections (1) to (7) of this section are available, the following may act and arrange for the final disposition of the decedent's remains:
  - (a) Any other person willing to act and arrange for the final disposition of the decedent's remains who 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; or
  - (b) A funeral home that has a valid prepaid funeral plan that makes arrangements for the disposition of the decedent's remains if the funeral director 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;~~[- or]~~

- (9) *A court-appointed guardian or conservator for the decedent at the time of death, after all the alternatives in subsections (1) to (8) of this section have been exhausted. Cremation shall be permitted under this subsection only if:*
- (a) *The decedent has not expressed an objection to cremation to the guardian or conservator prior to death; and*
  - (b) *1. The decedent arranged a preneed policy in effect that is limited to the cost of cremation; or*  
*2. The decedent lacked sufficient funds at the time of death to pay for a full burial; or*
- (10) The District Court in the county of the decedent's residence or the county in which the funeral home or the crematory is located.

**Signed by Governor March 27, 2020.**

## CHAPTER 53

( SB 40 )

AN ACT relating to child welfare.

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

➔Section 1. KRS 194A.062 is amended to read as follows:

- (1) Each employee of the cabinet, including contract staff, with access to or use of federal tax information shall submit to a criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation.
- (2) *Front-line staff, as defined in KRS 194A.065, shall submit to national and state fingerprint-supported criminal background checks by the Department of Kentucky State Police and the Federal Bureau of Investigation.*
- (3) *The results of the national and state criminal background checks shall be sent to the cabinet.*
- (4) *The cabinet may register employees, contract staff, or front-line staff in the rap back system.*
- (5) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

➔SECTION 2. KRS 199.8966 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS 199.640-199.680 TO READ AS FOLLOWS:

- (1) *As used in this section, "staff member" means:*
  - (a) *An individual who is employed by a child-caring facility or child-placing agency for compensation;*
  - (b) *A contract employee or a self-employed individual whose employment directly involves the care or supervision of children or unsupervised access to children placed with the child-caring facility or child-placing agency; or*
  - (c) *A volunteer or intern whose activities on behalf of a child-caring facility or child-placing agency involve the care or supervision of children or unsupervised access to children.*
- (2) *The cabinet shall require a staff member of a child-caring facility or child-placing agency to submit to background checks in accordance with 42 U.S.C. sec. 671(a)(20)(D) and the implementing federal rules, including national and state fingerprint-supported criminal background checks by the Department of Kentucky State Police and the Federal Bureau of Investigation.*
- (3) *The child-caring facility or child-placing agency staff member shall provide the staff member's fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation after a state criminal background check is conducted.*
- (4) *The results of the national and state criminal background checks shall be sent to the cabinet.*



- (5) *The cabinet shall provide notice to a child-caring facility or child-placing agency if a staff member is eligible for employment not to exceed seven (7) business days after the date the staff member submitted fingerprints through a means approved by the cabinet to the Department of Kentucky State Police. The cabinet shall reissue notice of the staff member's eligibility for employment subsequent to the cabinet's receipt of additional information about the staff member, including a result from the rap back.*
- (6) *The cabinet may register a child-caring facility or child-placing agency staff member in the rap back system.*
- (7) *The request for background checks shall be in a manner approved by the Justice and Public Safety Cabinet, and the Cabinet for Health and Family Services may charge a fee to be paid by a child-caring facility or child-placing agency not to exceed the actual cost of processing the request.*
- (8) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*
- (9) *The requirements of this section shall apply to a child-placing agency only if a background check required under subsection (2) of this section can be accomplished electronically, pursuant to KRS 17.185.*

**Signed by Governor March 27, 2020.**

## CHAPTER 54

**( SB 42 )**

AN ACT relating to student health and safety.

WHEREAS, college women ages 18 to 24 are 3 times more likely to experience sexual violence with more than 50% of college sexual assaults taking place between August and November; and

WHEREAS, according to the National Intimate Partner and Sexual Violence Survey 2010-2012 State Report, 39.1% of Kentucky women experience sexual violence in their lifetimes; and

WHEREAS, according to the Children's Bureau of the U.S. Department of Health and Human Services' Child Maltreatment Report, child abuse and neglect are more prevalent in Kentucky than any other state in the nation, with 22.2 victims per 1,000 Kentucky children compared to the national average of 9.1 victims per 1,000 children; and

WHEREAS, according to the United Health Foundation's 2018 Annual Report, the number of deaths in Kentucky due to intentional self-harm per 100,000 population was 17.1, which was above the national average of 13.9; and

WHEREAS, according to the American Foundation for Suicide Prevention, suicide is the 11th leading cause of death in the Commonwealth and the second leading cause of death for Kentuckians ages 15-34; and

WHEREAS, Fayette County Coroner Gary Ginn and Jefferson County Coroner Barbara Weakley-Jones each expressed alarm about the rise in youth suicide after their offices investigated record-breaking rates of suicides with victims younger than 14 in 2018; and

WHEREAS, the rise of suicide rates, and youth suicide rates in particular, in Kentucky evidences the desperate need to enhance the prevalence of suicide prevention resources in our Commonwealth's schools and colleges; and

WHEREAS, the General Assembly recognizes the dire need to provide crisis-intervention information to Kentucky students to assist students coping with these threats to student health and safety; and

WHEREAS, student identification badges issued to students are a meaningful method of distributing crisis-intervention information to students in an easily accessible, and regularly reinforced manner;

NOW, THEREFORE,

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) *Beginning August 1, 2020, any student identification badge issued to a student in grades six (6) through twelve (12) by a public school shall contain the contact information for:*

- (a) *A national domestic violence hotline;*
  - (b) *A national sexual assault hotline; and*
  - (c) *A national suicide prevention hotline.*
- (2) *The requirements of subsection (1) of this section shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).*
- (3) *By July 20, 2020, the Cabinet for Health and Family Services shall publish recommendations for at least one (1) national hotline accessible twenty-four (24) hours a day, seven (7) days a week, and three hundred and sixty-five (365) days a year that specializes in each of the hotline categories required by subsection (1) of this section.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

*Beginning August 1, 2020, any student identification badge issued by a public or private postsecondary education institution, vocational school, or any other institution that offers a postsecondary degree, certificate, or licensure shall contain the contact information for:*

- (1) *A national domestic violence hotline;*
- (2) *A national sexual assault hotline; and*
- (3) *A national suicide prevention hotline.*

**Signed by Governor March 27, 2020.**

## CHAPTER 55

( SB 60 )

AN ACT relating to newborn screening for spinal muscular atrophy (SMA).

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

➔Section 1. KRS 214.155 is amended to read as follows:

- (1) The Cabinet for Health and Family Services shall operate a newborn screening program for heritable and congenital disorders that includes but is not limited to procedures for conducting initial newborn screening tests on infants twenty-eight (28) days or less of age and definitive diagnostic evaluations provided by a state university-based specialty clinic for infants whose initial screening tests resulted in a positive test. The secretary of the cabinet shall, by administrative regulation promulgated pursuant to KRS Chapter 13A:
- (a) Prescribe the times and manner of obtaining a specimen and transferring a specimen for testing;
  - (b) Prescribe the manner of procedures, testing specimens, and recording and reporting the results of newborn screening tests; and
  - (c) Establish and collect fees to support the newborn screening program.
- (2) The administrative officer or other person in charge of each institution caring for infants twenty-eight (28) days or less of age and the person required in pursuance of the provisions of KRS 213.046 shall register the birth of a child and cause to have administered to every such infant or child in its or his care tests for heritable disorders, including but not limited to phenylketonuria (PKU), sickle cell disease, congenital hypothyroidism, galactosemia, medium-chain acyl-CoA dehydrogenase deficiency (MCAD), very long-chain acyl-CoA deficiency (VLCAD), short-chain acyl-CoA dehydrogenase deficiency (SCAD), maple syrup urine disease (MSUD), congenital adrenal hyperplasia (CAH), biotinidase disorder, and cystic fibrosis (CF), 3-methylcrotonyl-CoA carboxylase deficiency (3MCC), 3-OH 3-CH<sub>3</sub> glutaric aciduria (HMG), argininosuccinic acidemia (ASA), beta-ketothiolase deficiency (BKT), carnitine uptake defect (CUD), citrullinemia (CIT), glutaric acidemia type I (GA I), Hb S/beta-thalassemia (Hb S/Th), Hb S/C disease (Hb S/C), homocystinuria (HCY), isovaleric acidemia (IVA), long-chain L-3-OH acyl-CoA dehydrogenase deficiency (LCAD), methylmalonic acidemia (Cbl A,B), methylmalonic acidemia mutase deficiency (MUT), multiple carboxylase deficiency (MCD), propionic acidemia (PA), trifunctional protein deficiency (TFP), tyrosinemia type I (TYR

I), *spinal muscular atrophy (SMA)*, and krabbe disease. The listing of tests for heritable disorders to be performed shall include all conditions consistent with the recommendations of the American College of Medical Genetics.

- (3) The administrative officer or other person in charge of each institution caring for infants twenty-eight (28) days or less of age and the person required in pursuance of the provisions of KRS 213.046 shall register the birth of a child and cause to have administered to every such infant or child in its or his care a screening for critical congenital heart disease (CCHD) prior to discharge unless CCHD has been ruled out or diagnosed with prior echocardiogram or prenatal diagnosis of CCHD.
- (4) Each health care provider of newborn care shall provide an infant's parent or guardian with information about the newborn screening tests required under subsections (2) and (3) of this section. The institution or health care provider shall arrange for appropriate and timely follow-ups to the newborn screening tests, including but not limited to additional diagnoses, evaluation, and treatment when indicated.
- (5) Nothing in this section shall be construed to require the testing of any child whose parents are members of a nationally recognized and established church or religious denomination, the teachings of which are opposed to medical tests, and who object in writing to the testing of his or her child on that ground.
- (6) The cabinet shall make available the names and addresses of health care providers, including but not limited to physicians, nurses, and nutritionists, who may provide postpartum home visits to any family whose infant or child has tested positive for a newborn screening test.
- (7) A parent or guardian shall be provided information by the institution or health care provider of newborn care about the availability and costs of screening tests not specified in subsections (2) and (3) of this section. The parent or guardian shall be responsible for costs relating to additional screening tests performed under this subsection, and these costs shall not be included in the fees established for the cabinet's newborn screening program under subsection (1) of this section. All positive results of additional screening of these tests shall be reported to the cabinet by the institution or health care provider.
- (8)
  - (a) For the purposes of this subsection, a qualified laboratory means a clinical laboratory not operated by the cabinet that is accredited pursuant to 42 U.S.C. sec. 263a, licensed to perform newborn screening testing in any state, and reports its screening results using normal pediatric reference ranges.
  - (b) The cabinet shall enter into agreements with public or private qualified laboratories to perform newborn screening tests if the laboratory operated by the cabinet is unable to screen for a condition specified in subsection (2) of this section.
  - (c) The cabinet may enter into agreements with public or private qualified laboratories to perform testing for conditions not specified in subsection (2) of this section. Any agreement entered into under this paragraph shall not preclude an institution or health care provider from conducting newborn screening tests for conditions not specified in subsections (2) and (3) of this section by utilizing other public or private qualified laboratories.
- (9) The secretary for health and family services or his or her designee shall apply for any federal funds or grants available through the Public Health Service Act and may solicit and accept private funds to expand, improve, or evaluate programs to provide screening, counseling, testing, or specialty services for newborns or children at risk for heritable disorders.
- (10) This section shall be cited as the James William Lazzaro and Madison Leigh Heflin Newborn Screening Act.

**Signed by Governor March 27, 2020.**

## CHAPTER 56

( SB 82 )

AN ACT establishing the Kentucky Eating Disorder Council 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 210 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Eating Disorder Council is hereby established in the Cabinet for Health and Family Services and shall be attached to the cabinet for administrative purposes.*
- (2) *The following members shall be appointed to the council:*
  - (a) *The secretary of the Cabinet for Health and Family Services or his or her designee;*
  - (b) *The commissioner of the Department for Medicaid Services or his or her designee;*
  - (c) *The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities or his or her designee;*
  - (d) *The commissioner of the Department for Public Health or his or her designee;*
  - (e) *The commissioner of the Department of Insurance or his or her designee;*
  - (f) *The commissioner of the Department of Education or his or her designee;*
  - (g) *The president of the Council on Postsecondary Education or his or her designee;*
  - (h) *One (1) representative to be appointed by the Governor from a list of three (3) individuals submitted by the Kentucky Hospital Association;*
  - (i) *One (1) psychologist who works with individuals who have eating disorders to be nominated by the Governor from a list of three (3) individuals provided by the Kentucky Psychological Association;*
  - (j) *One (1) pediatrician who works with individuals who have eating disorders to be nominated by the Governor from a list of three (3) individuals provided by the Kentucky Chapter of the American Academy of Pediatrics;*
  - (k) *One (1) psychiatrist who works with individuals who have eating disorders to be nominated by the Governor from a list of three (3) individuals provided by the Kentucky Psychiatric Medical Association;*
  - (l) *One (1) licensed clinical social worker who works with individuals who have eating disorders to be nominated by the Governor from a list of three (3) individuals provided by the Kentucky Chapter of the National Association of Social Workers;*
  - (m) *One (1) psychiatric nurse practitioner who works with individuals who have eating disorders to be nominated by the Governor from a list of three (3) individuals provided by the Kentucky Association of Nurse Practitioners and Nurse-Midwives;*
  - (n) *One (1) registered and licensed dietician who works with individuals who have eating disorders to be nominated by the Governor from a list of three (3) individuals provided by the Kentucky Dietetics Association;*
  - (o) *One (1) eating disorder researcher to be appointed by the Governor from a list of three (3) individuals provided by the Kentucky Psychological Association;*
  - (p) *One (1) public health policy researcher to be appointed by the Governor from a list of three (3) individuals provided by the Kentucky Public Health Association; and*
  - (q) *Three (3) individuals who have an eating disorder or who have experience with individuals who have eating disorders to be appointed by the Governor from a list of five (5) individuals provided by the Louisville Center for Eating Disorders until a statewide consumer and family advocacy organization is established.*
- (3) *The members of the council shall elect a chair and vice chair to serve one (1) year.*
- (4) *The council shall meet at least quarterly or upon the call of the chair.*
- (5) *After the initial appointments, members of the council shall serve terms of two (2) years, beginning the day of appointment. Members of the council shall be eligible to succeed themselves and shall serve until their successors are appointed.*
- (6) *Members of the council shall serve without compensation but shall be reimbursed for reasonable and necessary expenses in accordance with state travel expenses and reimbursement administrative regulations.*
- (7) *The council shall:*

- (a) *Oversee the development and implementation of eating disorder awareness, education, and prevention programs;*
  - (b) *Identify strategies for improving access to adequate diagnosis and treatment services;*
  - (c) *Assist the cabinet in identifying eating disorder research projects;*
  - (d) *Work with the Cabinet for Health and Family Services and other appropriate entities to routinely examine existing surveillance systems, data collection systems, and administrative databases to determine the best strategies for implementing evidence-based eating disorder measures that provide data for program and policy planning purposes;*
  - (e) *As reasonably as possible, collaborate and coordinate on data research projects with the Cabinet for Health and Family Services and other appropriate entities; and*
  - (f) *Make recommendations regarding legislative and regulatory changes as appropriate.*
- (8) *The council shall apply for grants from the federal government, private foundations, or other sources that may be available for programs related to eating disorders.*
  - (9) *The council shall report annually beginning December 1, 2020, on its activities, findings, and recommendations to the Governor and the Legislative Research Commission.*
  - (10) *The Kentucky Eating Disorder Council shall cease to exist on December 1, 2030, unless otherwise reestablished by the General Assembly.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Eating Disorder fund is hereby created as a separate trust and agency fund. The fund shall be administered by the Cabinet for Health and Family Services for the purpose outlined in Section 1 of this Act.*
- (2) *The fund may receive amounts from state or federal appropriations, grants, contributions, or other moneys made available for the purposes of the fund. All grants, contributions, or moneys received shall be deposited in the State Treasury in a trust and agency fund account to the credit of the Kentucky Eating Disorder fund. Moneys in the fund shall be used to support the Kentucky Eating Disorder Council or similar program established under Section 1 of this Act and eating disorder prevention programs in Kentucky.*
- (3) *Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- (4) *Any interest earned on moneys in the fund shall become a part of the trust fund and shall not lapse.*
- (5) *Moneys in the fund are appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*

➔Section 3. The initial terms for members of the Kentucky Eating Disorder Council established in Section 1 of this Act shall be:

- (1) Two years for members who are appointed under Section 1(2)(h), (i), (j), (k), (l), and (m) of this Act; and
- (2) Three years for members who are appointed under Section 1(2)(n), (o), (p), and (q) of this Act.

**Signed by Governor March 27, 2020.**

## CHAPTER 57

( SB 101 )

AN ACT relating to awarding of credit under articulation agreements.

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

➔Section 1. KRS 164.2951 is amended to read as follows:

- (1) Beginning with the 2012-2013 academic year and each academic year thereafter for first-time students enrolling in a public college or university, postsecondary education institutions are encouraged to limit the credit-hour requirements to sixty (60) credit hours for each associate of science or associate of arts degree program and to one hundred twenty (120) credit hours for each bachelor of arts or bachelor of science degree program, except in situations in which:
  - (a) Quality and content of a program would be negatively impacted; or
  - (b) A program must comply with specific program standards established by external accreditation bodies.
- (2) The Council on Postsecondary Education, in collaboration with the public universities and community and technical colleges, shall:
  - (a) Facilitate the development and implementation of a statewide agreement for alignment of Kentucky Community and Technical College System lower-division associate of arts and associate of science coursework that shall be accepted and fully credited to related bachelors degree programs by all public universities. The agreement shall specify the general education learning outcomes and program-specific prerequisite learning outcomes of the coursework. Where applicable, curricula shall be reviewed to determine comparability of core content standards required under KRS 164.302. The agreement shall direct that the associate of arts and associate of science coursework meeting the learning outcomes specified shall be accepted for transfer and degree credit, whether earned as individual courses or within block programs;
  - (b) Develop, implement, and maintain a Kentucky Community and Technical College System statewide course numbering system for lower-division general education and program-specific prerequisite courses that include the same learning outcomes;
  - (c) Establish a statewide course classification system and procedures to monitor the transfer and crediting of lower-division coursework, including a system of ongoing assessment that ensures comparability for transfer purposes;
  - (d) Establish a procedure for approval of changes in learning outcomes at public universities as described in subsection (3) of this section;
  - (e) Standardize credit-by-exam equivalencies and common passing scores for national exams transferable for general education courses and program-specific prerequisites courses;
  - (f) Develop policies to align statewide articulation and transfer procedures across educational institutions, including admissions criteria, student declaration of major, and student guidance and counseling policies designed to ensure that students pursuing an associate of arts or associate of science degree program provide timely notification of their intention to transfer to a public university;
  - (g) Develop uniform data collection and reporting methods to facilitate and ensure statewide and institutional compliance with course transfer and credit requirements;
  - (h) Guarantee that, upon admission to a public university, graduates of an associate of arts or an associate of science degree program approved by the council in consultation with public universities shall be deemed to have met all general education requirements;
  - (i) Provide that graduates of approved associate of arts and associate of science degree programs of Kentucky public postsecondary institutions who complete the prerequisite learning outcomes for a bachelor of arts or bachelor of science program while fulfilling the requirements for an associate of art or associate of science degree, shall not be required to repeat or to take any additional lower-level courses to fulfill bachelor degree requirements in the same major, and these students shall be granted admission to related upper-division bachelors degree programs of a state public college or university on the same criteria as those students earning lower-division credits at the university to which the student transferred;
  - (j) Provide that graduates of approved associate of arts and associate of science degree programs shall receive priority for admission to a state public university over out-of-state students if they meet the same admission criteria;
  - (k) Establish a commonality in college transcripts to be used in all public colleges and universities to facilitate transfer from community and technical colleges;

- (l) Encourage private colleges and universities to collaborate with public educational institutions in developing programs and agreement to expedite the transfer of students and credits between institutions;
  - (m) Establish an appeals process to resolve disagreements between transferring students and receiving educational institutions regarding the transfer and acceptance of credits earned at another institution;~~{ and }~~
  - (n) Ensure that all articulation and transfer policies are consistent with the rules and regulations established by all appropriate discipline-specific accrediting bodies and institutional accrediting agencies as recognized by the United States Department of Education; *and*
  - (o) *Facilitate the development and implementation of a statewide standardized articulation agreement to be executed by July 1, 2021, between public colleges and universities and the Kentucky Department of Education for each approved high school career pathway that leads to a postsecondary credential, certification, license, or degree. Upon meeting the requirements of the standardized articulation agreement, a student shall be awarded postsecondary credit for prior learning at any public college or university.*
- (3) When an institution seeks to change learning outcomes for a bachelor of arts or bachelor of science program that affect lower-division courses, the university shall notify the Council on Postsecondary Education and the Kentucky Community and Technical College System of the proposed changes at the same time as the initiation of the university's approval process. If it is determined that the proposed change will have an adverse effect on transferability, the university proposing the change shall enter into discussion with the council and the Kentucky Community and Technical College System to verify there remains a clearly defined path to a bachelor's degree for those students who plan to transfer from the Kentucky Community and Technical College System to the public university.

**Signed by Governor March 27, 2020.**

## CHAPTER 58

( SB 134 )

AN ACT relating to the Optometry Scholarship Program.

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

➔SECTION 1. A NEW SECTION OF KRS 164.740 TO 164.7891 IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly hereby establishes the Optometry Scholarship Program to provide eligible Kentucky students the opportunity to attend an accredited school of optometry to become certified practitioners rendering medical service in the Commonwealth.*
- (2) *For purposes of this section:*
  - (a) *"Authority" means the Kentucky Higher Education Assistance Authority;*
  - (b) *"Eligible institution" means an accredited school of optometry that:*
    - 1. *Is the Kentucky College of Optometry; or*
    - 2. *a. Has a main campus outside the Commonwealth; and*  
*b. Executes an agreement with the authority on terms the authority deems necessary or appropriate for administration of the program;*
  - (c) *"Eligible program of study" means a program accredited by the Accreditation Council on Optometric Education that leads to a Doctor of Optometry degree;*
  - (d) *"Eligible student" means any person who:*
    - 1. *Is a United States citizen;*

2. *Is a Kentucky resident as determined by the institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;*
  3. *Is enrolled or accepted for enrollment at an eligible institution in an eligible program of study on a full-time basis;*
  4. *Completes and submits an Optometry Scholarship application to the authority; and*
  5. *Is not in default on any program under Title IV of the federal act or any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.785 or 164.7894, except that ineligibility for this reason may be waived by the authority for cause; and*
- (e) *"Optometry Scholarship Committee" means a group of individuals selected in accordance with regulations promulgated by the authority whose membership shall be composed of:*
1. *A representative from the Kentucky Optometric Association;*
  2. *A representative from the Kentucky College of Optometry;*
  3. *Two (2) at-large members with optometric education experience; and*
  4. *One (1) representative from an eligible institution located outside the Commonwealth.*
- (3) *The authority shall administer the Optometry Scholarship Program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the program.*
- (4) *Beginning with the 2021-2022 academic year, the authority may award an Optometry Scholarship under this section, to the extent funds are available for that purpose, to any eligible student who is selected by the Optometry Scholarship Committee to be a recipient.*
- (5) *A minimum of one-third (1/3) of the amount appropriated for scholarships under this section shall be awarded to eligible students attending an eligible institution located in the Commonwealth.*
- (6) *Should funds be insufficient to award all eligible students, those previously receiving tuition assistance through the optometry contract spaces program administered by the Council on Postsecondary Education shall receive priority until such time they complete or withdraw from an eligible program of study or have received assistance for four (4) years of study.*
- (7) *The authority shall provide an annual report on the Optometry Scholarship Program to the General Assembly that includes the:*
- (a) *Number of students served by the scholarship, the total amount disbursed, and distribution by institution;*
  - (b) *Number of recipients completing an eligible program and the number practicing in Kentucky following program completion; and*
  - (c) *Geographic distribution and occupational demand of optometrists in the state.*
- (8) (a) *The Optometry Scholarship Program fund is hereby created as a trust fund in the State Treasury to be administered by the authority for the purpose of providing scholarships described in this section.*
- (b) *The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.*
- (c) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.*
- (d) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.*

Signed by Governor March 27, 2020.



## CHAPTER 59

## ( SB 186 )

AN ACT relating to the Auditor of Public Accounts.

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

➔Section 1. KRS 43.020 is amended to read as follows:

The Auditor shall ~~reside and~~ keep his *or her* office at the seat of government.

➔Section 2. KRS 43.030 is amended to read as follows:

- (1) The Auditor shall appoint for the duration of his or her own term, subject to removal by the Auditor at any time, one (1) assistant auditor of public accounts, who shall be a certified public accountant and who has been a citizen and resident of the state for at least two (2) years. The assistant auditor shall have direct supervision over all technical work and technical assistants, and shall otherwise aid the Auditor in the performance of his or her duties, *except that the assistant auditor of public accounts may exercise a full or partial recusal from this supervision requirement in regard to the consulting function authorized in Section 4 of this Act if needed to comply with the professional standards of accountancy.* If the Auditor is absent or is rendered incapable of performing his or her duties, or if a vacancy in the office occurs, the assistant auditor shall perform the duties of Auditor until the necessity therefor ceases to exist. He or she shall take the constitutional oath.
- (2) The Auditor may employ other subordinate personnel subject to the provisions of KRS 12.060. All employees with status as defined in KRS 18A.005 who are engaged in auditing or investigations shall possess a minimum of a four (4) year college degree. No less than ninety percent (90%) of all employees engaged in financial auditing or financial investigations shall have twenty (20) semester hours or thirty (30) quarter hours of accounting, or alternately, shall be a certified public accountant. Not more than two (2) persons charged with the conduct of audits and investigations may substitute year-for-year responsible experience acceptable to the Personnel Cabinet for the required college education and accounting hours.
- (3) The Auditor and his or her sureties are liable on his or her official bond for the acts of the assistant auditor and clerks.
- (4) Nothing in this section shall be deemed to affect the provisions of KRS 11.090 or other legislation authorizing audits.

➔Section 3. KRS 43.040 is amended to read as follows:

- (1) Upon ~~this resignation or~~ the expiration of *the Auditor's*~~his~~ term of office, the Auditor shall *file a certification of the inventory of the office with the Secretary of State and shall deliver the inventory to the Auditor's*~~with the aid of the Secretary of State, make an inventory of the books, furniture and stationery belonging to the office, file the inventory in the Office of the Secretary of State, and deliver the books, furniture and stationery to his~~ successor.
- (2) *In the event of a vacancy in the office of Auditor, the assistant auditor of public accounts shall file a certification of the inventory of the office with the Secretary of State and shall deliver the inventory to the Auditor's successor.*

➔Section 4. 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 *may*~~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; **and**[-]
  - (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.
- ~~[(1) 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) *Except where otherwise provided, any expenses incurred by the Auditor for audits, examinations, investigations, or reviews shall be charged to the entity that is the subject of the audit, examination, investigation, or review. The Auditor shall maintain a record of all time expenses for each audit, examination, investigation, or review.*
  - (6) *The Auditor may provide consulting services, in accordance with auditing standards generally accepted in the United States and government auditing standards, to state or local government entities and associations of such entities, including special purpose governmental entities, and may charge a mutually agreed upon rate for those services, including:*

- (a) *Providing training and technical presentations;*
  - (b) *Developing audit guides applicable to those entities;*
  - (c) *Developing question and answer documents to promote understanding of technical issues or standards; and*
  - (d) *Collaborating with other professional organizations to advance auditing of government entities and programs.*
- (7) 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 5. KRS 43.060 is amended to read as follows:

The Auditor shall *audit annually the Commonwealth's Comprehensive Annual Financial Report, in accordance with generally accepted government auditing standards, and may at any other time the Auditor thinks necessary audit or examine the books, accounts, and papers of the State Treasurer and the Finance and Administration Cabinet*~~[make audits of the accounts of the State Treasurer and the Finance and Administration Cabinet not less than once each month. He shall ascertain, by personal examination of the books, accounts, and papers in the office of the Finance and Administration Cabinet, the money received by it each month, the sources from which received, and the money paid by it into the State Treasury each month. He shall carefully examine into the books, accounts, and papers in the office of the State Treasury, and ascertain the amounts of money paid into and out of the State Treasury each month, and shall ascertain the amount of money on hand by counting it and by personal inquiry of the cashier of each bank or depository in which any state money has been placed or deposited. The Auditor shall compare the vouchers and receipts of the Finance and Administration Cabinet and the State Treasurer, and state the accounts of each, and make a thorough investigation of their offices. The investigations and audits required by this section shall be made between the first day and the tenth day of each month, and at any other time the Auditor thinks necessary].~~

➔Section 6. KRS 43.090 is amended to read as follows:

- (1) Immediately upon completion of each audit and investigation, except those provided for in KRS 43.070, the Auditor shall prepare a report of his *or her* findings and recommendations. He *or she* shall furnish one (1) copy of the report to the head of the agency to which the report pertains, one (1) copy to the Governor, one (1) copy to the secretary of the Finance and Administration Cabinet, one (1) copy to the Legislative Research Commission, and one (1) copy to the state librarian. The agency to which an Auditor's draft report pertains shall respond in writing to any adverse or critical audit findings and to any recommendations contained in the draft report within fifteen (15) days of receipt of the draft report. The Auditor shall distribute the agency's response to those entitled by this subsection to a copy of the audit report. Within sixty (60) days of the completion of the final audit *or examination* report, the agency to which an Auditor's report pertains shall notify the Legislative Research Commission and the Auditor of the audit recommendations it has implemented and of the audit recommendations it has not implemented. The agency shall state the reasons for its failure to implement any recommendation made in the final audit *or examination* report.~~[The Auditor shall prepare and transmit to each member of the General Assembly, by December 15 immediately preceding the convening of each regular session of the General Assembly, a printed report of his activities summarizing the findings and recommendations in his report on each audit or investigation made since the last preceding biennial report to the General Assembly listing, by state agency, the audit recommendations that have not been implemented and the reasons given by state agencies for nonimplementation, and presenting such other findings and recommendations as he sees fit to make. He shall file a copy of this report with the Governor and five (5) copies with the state librarian.]~~ All audit reports *and agency responses* shall be, *subject to KRS 61.870 to 61.884, posted online in a publicly searchable format*~~[public documents to which taxpayers shall have access]~~.
- (2) The Auditor shall, within a reasonable time after the examination of each county as provided in KRS 43.070, make a written report to the Governor, the General Assembly, the Attorney General, the state librarian, and the fiscal court and county attorney of the county examined, calling attention in specific terms to any mismanagement, misconduct, misapplication or illegal appropriation, or extravagant use of money received or disbursed by any officer of the county examined. In addition, said report shall be sent to a newspaper having general circulation in the county examined, and the letter of transmittal accompanying the report shall be

published in said newspaper in accordance with the provisions of KRS Chapter 424. *All audit reports and responses shall be, subject to KRS 61.870 to 61.884, posted online in a publicly searchable format.*

➔Section 7. KRS 43.200 is amended to read as follows:

- (1) There is hereby created in the Auditor of Public Accounts office a scholarship program for economically disadvantaged students planning to major in accounting at Kentucky institutions of higher education agreeing to provide matching funds.
- (2) Up to four (4) students each year ~~may~~~~shall~~ be selected by the Auditor as eligible to receive a scholarship for up to four (4) years while pursuing an accounting degree. Each individual scholarship shall be subject to review annually.
- (3) The annual scholarship amount shall be set by the Auditor in an amount required to cover the average cost of room, board, tuition, and fees at Kentucky public institutions, as well as living expenses. In addition, the scholarship shall include full-time summer employment with the Auditor's office.
- (4) Upon receiving their accounting degree, recipients of the scholarship shall be required to work one (1) year for the Auditor's office for each year they received the scholarship.
- (5) Recipients failing to complete an accounting program or failing to fulfill the service requirement shall become liable to the Auditor's office for the sum of all scholarship funds received plus interest for the entire period. The rate of interest shall be determined when the scholarship is awarded. The debt may be deferred for cause by the Auditor and a schedule for repayment may be established.
- (6) The Auditor's office shall execute appropriate contracts and promissory notes with scholarship recipients.

**Signed by Governor March 27, 2020.**

## CHAPTER 60

### ( SB 193 )

AN ACT relating to educational goals.

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

➔Section 1. KRS 158.849 is amended to read as follows:

- (1) The Kentucky Board of Education shall establish long-term and annual statewide goals for increasing:
  - (a) The number of high schools providing rigorous curricula and making available accelerated classes and college credit for students;
  - (b) The number and percentage of students enrolled in and completing AP and IB courses by content area;
  - (c) The number and percentage of students taking the AP and IB examinations in advanced science and mathematics;
  - (d) The number and percentage of students receiving a score of three (3) or better on the AP examinations or **four (4)**~~five (5)~~ or better on IB examinations in advanced science and mathematics;
  - (e) The number and percentage of students whose families are eligible for free or reduced-price lunch receiving a score of three (3) or better on AP examinations or **four (4)**~~five (5)~~ or better on IB examinations;
  - (f) *The number and percentage of students in underrepresented groups, including females, minorities, students with disabilities, English language learners, and students whose families are eligible for free or reduced-price lunch, taking computer science courses as defined by the Kentucky Department of Education in middle school and high school, including career and technical education programs;*
  - (g) The number of teachers successfully completing a College Board-endorsed AP or IB summer training institute;

- (h)~~(g)~~ The number of teachers with the knowledge and training needed to prepare students for high achievement on AP and IB examinations in advanced science and mathematics; and
- (i)~~(h)~~ Other criteria determined by the board.
- (2) (a) The Kentucky Department of Education shall develop a program evaluation framework regarding the use of the science and mathematics advancement fund for the purposes set forth in KRS 158.847. The program evaluation framework shall address areas including but not limited to the use of funds, the number of grants and awards, student achievement outcomes, and trends over time on the indicators established to measure progress against the statewide goals under subsection (1) of this section.
- (b) Beginning in 2008, the department shall submit an annual report no later than December 1 to the Kentucky Board of Education and the Interim Joint Committee on Education. The report for 2008 shall provide a status report on the implementation of programs supported by the science and mathematics advancement fund. Subsequent reports shall incorporate information collected and analyzed based on the program evaluation framework under paragraph (a) of this subsection.
- (c) *Beginning in 2020, the department shall submit an annual report no later than December 1 to the Kentucky Board of Education and the Interim Joint Committee on Education that includes an unduplicated count of the number and percentage of public school students participating in computer science courses and other computer science educational opportunities. The data shall be disaggregated by gender, race, disability, English proficiency, and participation in the federal free and reduced-price lunch program. The report shall also include the number of computer science courses or programs offered in each school, the nature of the computer science courses or programs, the number of advanced placement computer science classes offered, and the number of computer science instructors at each school disaggregated by certification, gender, and terminal degree.*

Signed by Governor March 27, 2020.

## CHAPTER 61

( SB 125 )

AN ACT relating to athletic trainers.

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

➔Section 1. KRS 311.900 is amended to read as follows:

As used in KRS 311.900 to 311.928:

- (1) "Athlete" means an individual, referee, coach, or athletic staff member who participates in sports, games, or recreational activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina~~and who is associated with a sport, game, or recreational activity that is conducted in association with an educational institution or professional, amateur, or recreational sports club or organization~~;
- (2) "Athletic injury" means:
- (a) An injury or condition, excluding medical conditions such as internal infections, internal injuries, fractures, and spinal cord injuries except in an acute situation sustained by an athlete that affects the individual's participation or performance in sports, games, or recreation; or
- (b) An injury or condition that is within the scope of practice of an athletic trainer identified by a physician licensed under *this chapter*~~KRS Chapter 311~~, a physical therapist licensed under KRS Chapter 327, an occupational therapist licensed under KRS Chapter 319A, or a chiropractor licensed under KRS Chapter 312 that is likely to benefit from athletic training services that have been approved by a physician supervising the athletic trainer;
- (3) "Athletic trainer" means a *healthcare provider*~~person~~ with specific qualifications, as set forth in KRS 311.900 to 311.928, who is licensed to practice athletic training and who, upon the supervision of a physician licensed under *this chapter*~~KRS Chapter 311~~, carries out the practice of preventing, recognizing, evaluating, managing, disposing, treating, reconditioning, or rehabilitating athletic injuries. In carrying out these functions,

the licensed athletic trainer may use physical modalities, such as heat, light, sound, cold, or electricity, or mechanical devices. A licensed athletic trainer shall practice only in those areas in which he or she is competent by reason of his or her training, ~~or~~ experience, **and certifications, including treatment of an injury or condition that is within the scope of practice of an athletic trainer and approved by a physician licensed under this chapter;**

(4) **"Board" means the Kentucky Board of Medical Licensure;**

(5)~~(4)~~ "Council" means the Kentucky Athletic Trainers Advisory Council;

~~(5) "Board" means the Kentucky Board of Medical Licensure;~~

(6) "Supervising physician" means a physician licensed by the board; and

(7) "Supervision" means advising, consenting to, and directing the activities of an athletic trainer through written or oral orders by a physician licensed to practice under **this chapter**~~KRS Chapter 311~~. Each team of physicians and athletic trainers shall ensure that the referral of athletic injuries is appropriate to the athletic trainer's level of training and experience.

➔Section 2. KRS 311.901 is amended to read as follows:

(1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to the licensure and regulation of athletic trainers. The regulations shall include but shall not be limited to:

(a) The establishment of fees;

(b) **Procedures for eligibility and credentialing;**

(c) **Procedures for licensure renewal and reinstatement;**

(d) **Procedures for complaints and disciplinary actions;**

(e) **A code of ethical standards;**

(f) **Standards of practice;**

(g) **The objectives of athletic training;**

(h) **Procedures for name and contact information changes;**

(i) **Procedures for licensure renewal and reinstatement of active duty military individuals;**

(j) **Procedures for documentation standards;**

(k) **Requirements for foreign-trained athletic trainers;**

(l) **Requirements for medication formularies;**

(m) **Requirements for invasive procedures;** and

(n) Continuing education requirements.~~[The board shall require, as a part of any continuing educational requirement, that persons licensed as athletic trainers complete an educational course on the transmission, control, treatment, and prevention of the human immunodeficiency virus and acquired immunodeficiency syndrome. The course on the human immunodeficiency virus shall be approved by the Cabinet for Health and Family Services.]~~

(2) There is hereby created the Kentucky Athletic Trainers Advisory Council, composed of **ten (10)**~~nine (9)~~ members appointed by the Governor. The council shall review and make recommendations to the board regarding all matters relating to athletic trainers that come before the board, including but not limited to:

(a) Applications for athletic training licensure;

(b) Licensure renewal requirements;

(c) Approval of supervising physicians;

(d) Disciplinary investigations or action, when specifically requested by one (1) of the board's panels established under KRS 311.591; and

(e) Promulgation of administrative regulations.

(3) Except for initial appointments, members of the council shall be appointed by the board for four (4) year terms and shall consist of:

- (a) Five (5) practicing licensed athletic trainers who shall each be selected by the board from a list of three (3) licensed athletic trainers submitted by the Kentucky Athletic Trainers Society, Inc. for each vacancy;
  - (b) **Three (3)**~~Two (2)~~ supervising physicians *selected by the board from a list of three (3) physicians licensed by the board submitted by the Kentucky Medical Association for each vacancy*;
  - (c) One (1) **physician** member of the board; and
  - (d) One (1) citizen at large.
- (4) The chair of the council shall be elected by a majority vote of the council members and shall preside over meetings. The meetings shall be held quarterly **and may be held online or by telephone conference call**. Additional meetings may be held on the call of the chair or upon the written request of four (4) council members.
  - (5) Initial appointments shall be for staggered terms. Three (3) members shall serve a four (4) year term, two (2) members shall serve a three (3) year term, two (2) members shall serve a two (2) year term, and two (2) members shall serve a one (1) year term.
  - (6) Members of the council shall not be compensated for their service but shall receive reimbursement for expenditures relating to attendance at committee meetings, consistent with state policies for the reimbursement of travel expenses for state employees.
  - (7) A council member may be removed by the board for good cause or if he or she misses two (2) consecutive council meetings without good cause.
  - (8) Upon the death, resignation, or removal of any member, the vacancy for the unexpired term shall be filled by the board in the same manner as the original appointment.
  - (9) The quorum required for any meeting of the council shall be **six (6)**~~five (5)~~ members. No action by the council or its members shall have any effect unless a quorum of the council **approves the action**~~is present at the meeting where the action is taken~~.
  - (10) The board shall not be required to implement or adopt the recommendations of the council.

➔Section 3. KRS 311.903 is amended to read as follows:

A licensed athletic trainer:

- (1) Shall not use spinal or pelvic manipulations or spinal or pelvic chiropractic adjustments;
  - (2) May **assist with the appropriate management and use of**~~dispense~~, but shall not prescribe, over-the-counter or prescription medications **commonly used in the practice of sports medicine, excluding any controlled substances**~~, only to an adult athlete and~~ with the supervision of a physician licensed under **this chapter**~~KRS Chapter 311~~, and shall maintain accurate records identifying the medication, dose, amount, directions, condition for which the medication is being used, identity of the supervising physician, lot number, and expiration date;
  - (3) Shall not **provide or administer**~~dispense~~ over-the-counter or prescription medications to a minor **without express parental or guardian consent and physician oversight**~~athlete~~;
  - (4) **The board shall promulgate administrative regulations, based upon recommendations from the council and in accordance with KRS Chapter 13A, to establish a formulary of legend medications that a licensed athletic trainer may obtain, transport, provide, and administer when providing athletic training services, limited to only those medications that are indicated and approved by the board. This subsection shall not be interpreted to bestow prescriptive authority, and the formulary shall not include Schedule II, III, IV, or V drugs as defined in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.;**
  - (5) Shall not perform invasive procedures, **except for those invasive procedures that the board, based on recommendations from the council, determines to be permissible. Any procedures performed under this subsection shall be:**
    - (a) **Within the scope of practice for athletic trainers; and**
    - (b) **Approved by the supervising physician;**
- ~~(5) Shall conform to the standard of care required of an ordinary competent and careful licensed athletic trainer in exercising reasonable care for the health and safety of the athlete;~~

- (6) *May provide athletic training services, notwithstanding any other provision of KRS 311.900 to 311.928, for employment injuries if the athletic training services for employment injuries are provided within the scope of practice for athletic trainers and under the supervision of a physician licensed under this chapter,*~~[Shall not work in an industrial setting, except in the capacity of screening injuries and referring patients to]~~ an occupational therapist licensed under KRS Chapter 319A, a physical therapist licensed under KRS Chapter 327, *or* a chiropractor licensed under KRS Chapter 312~~[, or a physician licensed under KRS Chapter 311];~~
- (7) Shall not seek reimbursement from the federal government for physical therapy services performed by an athletic trainer;
- (8) Shall not seek reimbursement from the federal government for occupational therapy services performed by an athletic trainer;
- (9) Shall not seek reimbursement from the federal government for chiropractic services performed by an athletic trainer;
- (10) Shall not prescribe medications, including controlled substances;~~[and]~~
- (11) Shall *only seek third-party reimbursement for services as permitted under national standards and within the scope of practice of athletic training and when prescribed by a physician licensed under this chapter; and*
- (12) *Shall not practice as an athletic trainer before completing a standardized form for athletic trainers and their supervising physicians that establishes the athletic trainer's authorized practice activities while under the physician's supervision. This form shall be developed and provided by the board*~~[not independently bill any patient or other payer for services rendered by the athletic trainer].~~

➔Section 4. This Act takes effect January 1, 2021.

**Signed by Governor March 27, 2020.**

## CHAPTER 62

### ( HB 98 )

AN ACT relating to causes of actions for building code violations.

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

➔Section 1. KRS 198B.130 is amended to read as follows:

- (1) Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a violation of this chapter or the Uniform State Building Code, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation. An award may include damages and the cost of litigation. *If a certificate of occupancy was not issued, then an award may also include*~~[, including]~~ reasonable attorney's fees.
- (2) Any action based upon a claim of violation of this section shall be brought within one (1) year of the date on which the damage is discovered or in the exercise of reasonable diligence could have been discovered. However, in no event shall an action be brought under this section more than ten (10) years after the date of first occupation or settlement date, whichever is sooner.
- (3) Nothing in this section shall be construed to bar any common law liability of a contractor or subcontractor or any right or cause of action against any contractor or subcontractor created by any other statute.

**Signed by Governor March 27, 2020.**

## CHAPTER 63

### ( HB 156 )



AN ACT relating to Uniform Fiduciary Access to Digital Assets Act.

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

➔SECTION 1. KRS CHAPTER 395A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

*As used in this chapter:*

- (1) *"Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user;*
- (2) *"Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney;*
- (3) *"Carries" means engages in the transmission of an electronic communication;*
- (4) *"Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person;*
- (5) *"Conservator" means a person appointed by a court to manage the estate of a living individual. The term includes a limited conservator;*
- (6) *"Content of an electronic communication" means information concerning the substance or meaning of the communication which:*
  - (a) *Has been sent or received by a user;*
  - (b) *Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and*
  - (c) *Is not readily accessible to the public;*
- (7) *"Court" means District Court;*
- (8) *"Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user;*
- (9) *"Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user;*
- (10) *"Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record;*
- (11) *"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;*
- (12) *"Electronic communication" has the meaning set forth in 18 U.S.C. sec. 2510(12), as amended;*
- (13) *"Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication;*
- (14) *"Fiduciary" means an original, additional, or successor personal representative, conservator, agent, or trustee;*
- (15) *"Information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like;*
- (16) *"Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person;*
- (17) *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;*
- (18) *"Personal representative" means an executor, administrator, special administrator, or person that performs substantially the same function under law of this state other than this chapter;*
- (19) *"Power of attorney" means a record that grants an agent authority to act in the place of a principal;*
- (20) *"Principal" means an individual who grants authority to an agent in a power of attorney;*

- (21) *"Protected person" means an individual for whom a conservator has been appointed. The term includes an individual for whom an application for the appointment of a conservator is pending;*
- (22) *"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;*
- (23) *"Remote computing service" means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. sec. 2510(14), as amended;*
- (24) *"Terms of service agreement" means an agreement that controls the relationship between a user and a custodian;*
- (25) *"Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee;*
- (26) *"User" means a person that has an account with a custodian; and*
- (27) *"Will" includes a codicil, testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

- (1) *This chapter applies to:*
  - (a) *A fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this Act;*
  - (b) *A personal representative acting for a decedent who died before, on, or after the effective date of this Act;*
  - (c) *A conservatorship proceeding commenced before, on, or after the effective date of this Act; and*
  - (d) *A trustee acting under a trust created before, on, or after the effective date of this Act.*
- (2) *This chapter applies to a custodian if the user resides in this state or resided in this state at the time of the user's death.*
- (3) *This chapter does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

- (1) *A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.*
- (2) *If a user has not used an online tool to give direction under subsection (1) of this section or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.*
- (3) *A user's direction under subsection (1) or (2) of this section overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

- (1) *This chapter does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.*
- (2) *This chapter does not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.*
- (3) *A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under Section 3 of this Act.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

- (1) *When disclosing digital assets of a user under this chapter, the custodian may at its sole discretion:*
  - (a) *Grant a fiduciary or designated recipient full access to the user's account;*
  - (b) *Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or*
  - (c) *Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.*
- (2) *A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.*
- (3) *A custodian need not disclose under this chapter a digital asset deleted by a user.*
- (4) *If a user directs or a fiduciary requests a custodian to disclose under this chapter some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:*
  - (a) *A subset limited by date of the user's digital assets;*
  - (b) *All of the user's digital assets to the fiduciary or designated recipient;*
  - (c) *None of the user's digital assets; or*
  - (d) *All of the user's digital assets to the court for review in camera.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:*

- (1) *A written request for disclosure in physical or electronic form;*
- (2) *A certified copy of the death certificate of the user;*
- (3) *A certified copy of the order of appointment of the personal representative, an order dispensing with administration pursuant to KRS 395.455, or other court order giving access to the personal representative;*
- (4) *Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and*
- (5) *If requested by the custodian:*
  - (a) *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;*
  - (b) *Evidence linking the account to the user; or*
  - (c) *A finding by the court that:*
    1. *The user had a specific account with the custodian, identifiable by the information specified in subparagraph (a) of this subsection;*
    2. *Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. secs. 2701 et seq., as amended, 47 U.S.C. sec. 222, as amended, or other applicable law;*
    3. *Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or*
    4. *Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:*

- (1) *A written request for disclosure in physical or electronic form;*
- (2) *A certified copy of the death certificate of the user;*
- (3) *A certified copy of the order of appointment of the personal representative, an order dispensing with administration pursuant to KRS 395.455, or other court order giving access to the personal representative; and*
- (4) *If requested by the custodian:*
  - (a) *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;*
  - (b) *Evidence linking the account to the user;*
  - (c) *An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or*
  - (d) *A finding by the court that:*
    1. *The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subsection; or*
    2. *Disclosure of the user's digital assets is reasonably necessary for administration of the estate.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:*

- (1) *A written request for disclosure in physical or electronic form;*
- (2) *An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;*
- (3) *A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and*
- (4) *If requested by the custodian:*
  - (a) *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or*
  - (b) *Evidence linking the account to the principal.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:*

- (1) *A written request for disclosure in physical or electronic form;*
- (2) *An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;*
- (3) *A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and*
- (4) *If requested by the custodian:*
  - (a) *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or*
  - (b) *Evidence linking the account to the principal.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:*

- (1) *A written request for disclosure in physical or electronic form;*
- (2) *A certified copy of the trust instrument or a certification of the trust under KRS 386B.10-120 that includes consent to disclosure of the content of electronic communications to the trustee;*
- (3) *A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and*
- (4) *If requested by the custodian:*
  - (a) *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or*
  - (b) *Evidence linking the account to the trust.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:*

- (1) *A written request for disclosure in physical or electronic form;*
- (2) *A certified copy of the trust instrument or a certification of the trust under KRS 386B.10-120;*
- (3) *A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and*
- (4) *If requested by the custodian:*
  - (a) *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or*
  - (b) *Evidence linking the account to the trust.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

- (1) *After an opportunity for a hearing under KRS Chapter 387, the court may grant a conservator access to the digital assets of a protected person.*
- (2) *Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator the catalogue of electronic communications sent or received by a protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the conservator gives the custodian:*
  - (a) *A written request for disclosure in physical or electronic form;*
  - (b) *A certified copy of the court order that gives the conservator authority over the digital assets of the protected person; and*
  - (c) *If requested by the custodian:*
    1. *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected person; or*
    2. *Evidence linking the account to the protected person.*
- (3) *A conservator with general authority to manage the assets of a protected person may request a custodian of the digital assets of the protected person to suspend or terminate an account of the protected person for good cause. A request made under this section must be accompanied by a certified copy of the court order giving the conservator authority over the protected person's property.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

- (1) *The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:*
  - (a) *The duty of care;*
  - (b) *The duty of loyalty; and*
  - (c) *The duty of confidentiality.*
- (2) *A fiduciary's or designated recipient's authority with respect to a digital asset of a user:*
  - (a) *Except as otherwise provided in Section 3 of this Act, is subject to the applicable terms of service;*
  - (b) *Is subject to other applicable law, including copyright law;*
  - (c) *In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and*
  - (d) *May not be used to impersonate the user.*
- (3) *A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access any digital asset in which the decedent, protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.*
- (4) *A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including KRS 434.840 to 434.860.*
- (5) *A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal, or settlor:*
  - (a) *Has the right to access the property and any digital asset stored in it; and*
  - (b) *Is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including KRS 434.840 to 434.860.*
- (6) *A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.*
- (7) *A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:*
  - (a) *If the user is deceased, a certified copy of the death certificate of the user;*
  - (b) *A certified copy of the order of appointment of the personal representative, the order dispensing with administration pursuant to KRS 395.455, power of attorney, trust, or other court order giving the fiduciary authority over the account; and*
  - (c) *If requested by the custodian:*
    1. *A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;*
    2. *Evidence linking the account to the user; or*
    3. *A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph 1. of this paragraph.*

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

- (1) *Not later than sixty (60) days after receipt of the information required under Sections 6 to 14 of this Act, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.*
- (2) *An order under subsection (1) of this section directing compliance shall contain a finding that compliance is not in violation of 18 U.S.C. sec. 2702, as amended.*
- (3) *A custodian may notify the user that a request for disclosure or to terminate an account was made under this chapter.*

- (4) *A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account, if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.*
- (5) *This chapter does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this chapter to obtain a court order which:*
  - (a) *Specifies that an account belongs to the protected person or principal;*
  - (b) *Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and*
  - (c) *Contains a finding required by law other than this chapter.*
- (6) *A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with this chapter.*

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. secs. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, codified as 15 U.S.C. sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, codified as 15 U.S.C. sec. 7003(b).*

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 395A IS CREATED TO READ AS FOLLOWS:

*Sections 1 to 18 of this Act may be cited as the Revised Uniform Fiduciary Access to Digital Assets Act (2015).*

**Signed by Governor March 27, 2020.**

## CHAPTER 64

( HB 312 )

AN ACT relating to children.

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

➔Section 1. KRS 158.448 is amended to read as follows:

The Kentucky Department of Education shall develop protocols for student records within the student information system which:

- (1) Provide notice to schools receiving the records of prior offenses described in KRS 610.345 committed by a student transferring to a new school or district;~~and~~
- (2) *Promote expeditious enrollment and placement of students in foster care who are transferring to a new school or district, in accordance with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95;*
- (3) *Promote the sharing of information regarding students in foster care among schools, districts, the Cabinet for Health and Family Services, and a child's caseworker, pursuant to applicable law; and*
- (4) Protect the privacy rights of students and parents guaranteed under the federal Family Educational Rights and Privacy Act.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

*In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, when a statute within this chapter refers to the release of educational records, the purpose of the release shall be limited to providing the department with the ability to effectively serve the needs of the child whose records are sought, and any*

*educational records shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child.*

➔Section 3. KRS 199.640 is amended to read as follows:

- (1) Any facility or agency seeking to conduct, operate, or maintain any child-caring facility or child-placing agency shall first obtain a license to conduct, operate, or maintain the facility or agency from the cabinet.
- (2) The cabinet shall:
  - (a) Develop standards, as provided in subsection (5) of this section, which must be met by any facility or agency seeking to be licensed to conduct, operate, or maintain a child-caring facility or child-placing agency;
  - (b) Issue licenses to any facility or agency found to meet established standards and revoke or suspend a license after a hearing in any case that a facility or agency holding a license is determined to have substantially failed to conform to the requirements of the standards;
  - (c) Establish and follow procedures designed to ~~ensure~~~~insure~~ that any facility or agency licensed to conduct, operate, or maintain a child-caring facility or child-placing agency complies with the requirements of the standards on an ongoing basis.
- (3) Licenses shall be issued for a period of one (1) year from date of issue unless revoked by the cabinet. Each licensed facility or agency shall be visited and inspected at least one (1) time each year by a person authorized by the cabinet and meeting specific qualifications established by the secretary of the cabinet in an administrative regulation. A complete report of the visit and inspection shall be filed with the cabinet.
- (4) Each license issued shall specify the type of care or service the licensee is authorized to perform. The cabinet may promulgate administrative regulations to establish fees that shall not exceed costs of the program to the cabinet, for the proper administration of licensure. The fees collected by the secretary shall be deposited in the State Treasury and credited to a revolving fund account for the purpose of carrying out the provisions of this section. The balance of said account shall lapse to the general fund at the end of each biennium.
- (5) (a) The secretary shall promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies relating to the health and safety of all children in the care of the facility or agency, the basic components for a quality program, as referenced below, and any other factors as may be necessary to promote the welfare of children cared for or placed by the agencies and facilities. Standards established may vary depending on the capacity of the agency or facility seeking licensure. These administrative regulations shall establish standards that ~~ensure~~~~insure~~ that:
  1. The treatment program offered by the facility or agency is directed toward child safety, improved child functioning, improved family functioning, and continuity and permanence for the child;
  2. The facility or agency has on staff, or has contracted with, individuals who are qualified to meet the treatment needs of the children being served, including their psychological and psychiatric needs;
  3. The facility or agency has procedures in place to ~~ensure~~~~insure~~ that its staff receives ongoing training and that all staff members who are required to do so meet all regional and national standards;
  4. The facility or agency develops an integrated, outcomes-based treatment plan that meets the health, mental health, education, safety, and security needs of each child in its care;
  5. The facility or agency has procedures in place to include parents, family, and other caregivers in a child's treatment program;
  6. The facility or agency has procedures in place whereby it evaluates its programs on a quarterly basis and documents changes in the program if the results of the review indicate a change is needed;
  7. The facility or agency makes available quality programs for substance abuse prevention and treatment with providers licensed under KRS Chapter 222 as part of its treatment services;
  8. The facility or agency initiates discharge planning at admission and provides sufficient aftercare; and



9. The facility or agency has **written policies and** procedures in place that outline the structure and objectives of cooperative relationships with the community within which it is located and the local school district, **including outreach activities to be undertaken by the facility or agency to both develop and maintain those cooperative relationships.**
- (b) The secretary shall promulgate administrative regulations establishing recordkeeping and reporting requirements and standards for licensed agencies and facilities that recognize the electronic storage and retrieval of information for those facilities that possess the necessary technology and that include, at a minimum, the following information relating to children in the care of the agency or facility:
  1. The name, age, social security number, county of origin, and all former residences of the child;
  2. The names, residences, and occupations, if available, of the child's parents;
  3. The date on which the child was received by the agency or facility; the date on which the child was placed in a foster home or made available for adoption; and the name, occupation, and residence of any person with whom a child is placed; and
  4. A brief and continuing written narrative history of each child covering the period during which the child is in the care of the agency or facility.
- (c) The secretary may promulgate administrative regulations creating separate licensure standards for different types of facilities.
- (d) The secretary shall promulgate administrative regulations to establish practices and procedures for the inspection of child-caring facilities and child-placing agencies. These administrative regulations shall establish a uniform reporting mechanism that includes guidelines for enforcement.
- (6) Any administrative regulations promulgated pursuant to KRS Chapter 13A to govern services provided by church-related privately operated child-caring agencies or facilities shall not prohibit the use of reasonable corporal physical discipline which complies with the provisions of KRS 503.110(1), including the use of spanking or paddling, as a means of punishment, discipline, or behavior modification and shall prohibit the employment of persons convicted of any sexual offense with any child-caring facility or child-placing agency.
- (7) All records regarding children or facts learned about children and their parents and relatives by any licensed agency or facility shall be deemed confidential in the same manner and subject to the same provisions as similar records of the cabinet. The information thus obtained shall not be published or be open for public inspection, except to authorized employees of:
  - (a) The cabinet or of such licensed agency or facility in performance of their duties; **and**
  - (b) **A school or local school district in which a child is enrolling or currently enrolled, in order to identify and serve the educational needs of the child, in accordance with Section 6 of this Act.**

➔Section 4. KRS 199.660 is amended to read as follows:

- (1) A licensed child-placing agency may place children in any licensed child-caring facility, including institutions and group homes, or in foster family homes under its direct supervision, in a facility certified by an appropriate agency as operated primarily for educational or medical purposes, or may place children for adoption if specifically authorized by its license to do so. The child-placing agency shall provide careful supervision of all children under its care and of children placed by it in child-caring facilities or foster family homes, and its agents shall visit such facilities or foster family homes as often as may be necessary to promote the welfare of the children.
- (2)
  - (a) **A licensed child-placing agency shall notify the department within fourteen (14) calendar days of the closure of a foster family home under its supervision for any reason, and shall state the reason for the closure.**
  - (b) **The department shall maintain a foster family home registry where this closure information, and closure information for all foster family homes closed by the cabinet, are stored.**
  - (c)
    1. **A licensed child-placing agency shall not approve a foster family home, and shall not place a child into any foster family home, until the child-placing agency first requests information from the department to determine if the prospective foster family home is listed in the registry, if the foster family home has ever been closed, and the reason for closure.**

2. *A licensed child-placing agency shall not approve a foster family home, and shall not place a child into a foster family home, which has been closed for cause by any other licensed child-placing agency or by the cabinet unless the foster family home has been successfully and continually operating as a cabinet foster family home for one (1) year after it was closed for cause by a licensed child-placing agency.*
3. *A licensed child-placing agency shall not approve a foster family home, and shall not place a child into a foster family home, which is under corrective action by any other licensed child-placing agency or by the cabinet at time of the closure unless:*
  - a. *The foster family home provides all information on the corrective action to the licensed child-placing agency;*
  - b. *The licensed child-placing agency fully addresses the foster family home's corrective action in the foster family's home study narrative; and*
  - c. *The department reviews and approves the foster family's home study.*
- (3) *Licensed child-caring facilities and child-placing agencies shall collaborate with local school districts to promote educational stability for children under their care in accordance with Section 6 of this Act, and shall work to ensure that foster family homes under a child-placing agency's supervision understand and actively support the educational needs of the children placed in their care through training, support, and supervision of the home by the child-placing agency.*

➔Section 5. KRS 199.801 is amended to read as follows:

- (1) The department shall establish a procedure throughout the state that is designed to determine and expedite the placement of children who are in the custody of or committed to the department. The procedure shall utilize state-level and regional placement coordinators who may be state employees or employees of a contracted entity.
- (2) The type of placement selected for a child in the custody of or committed to the department shall be the best alternative for the child that is in closest proximity to the child's home county, including considerations of the child's current early care and education provider or school, *in order to promote educational stability for the child to the extent practicable in accordance with Section 6 of this Act and the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95.*
- (3) If the type of placement that best suits the child's needs is not available in the child's home county, the regional placement coordinator shall document the circumstance as an unmet need and may seek a placement in surrounding counties, regions, and the state, in that order.
- (4) If the type of placement that best suits the child's needs is not available within the state, the regional placement coordinator shall contact the commissioner of the department or the commissioner's designee to explore out-of-state placement.
- (5) The department shall develop a diligent recruitment plan and reporting to support the recruitment and retention of family foster homes that are responsive to the needs of children in care, areas of unmet need, and strategies to meet the need. The plan and reporting shall be used as a guide in the establishment and modification of agreements with placements for the care of children in the custody of or committed to the cabinet and shall be made available upon request.

➔Section 6. KRS 199.802 is amended to read as follows:

- (1) As used in this section:
  - (a) "Best interest of the child" means the determination regarding the enrollment of a child made when considering all factors relating to the best interest of a child, as outlined in 20 U.S.C. secs. 6301 et seq., including but not limited to:
    1. The benefits to the child of maintaining educational stability;
    2. The appropriateness of the current educational setting;
    3. The child's attachment and meaningful relationships with staff and peers at the current educational setting;
    4. The influence of the school's climate on the child;

5. The safety of the child; and
  6. The proximity of the placement to the school of origin, and how the length of a commute would impact the child;
- (b) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided, that is in the care of the department;
  - (c) "Educational stability" means the maintenance of the enrollment of a child in a particular school upon a transition to a different placement or living arrangement when such maintenance is in the best interest of the child, and if not, the enrollment of the child in a new school in a time and manner that ensures the child experiences a minimal lapse in school attendance; and
  - (d) "School of origin" means the public school in which the child was enrolled immediately prior to placement.
- (2) In determining the placement of a child under KRS 199.801, the department shall, if practicable, locate a placement within the same school district where the child was most recently enrolled to allow the child to remain enrolled in the school of origin.
  - (3)
    - (a) The department, in consultation with the local education agency, shall make the determination on whether the child shall remain enrolled in the school of origin based on the best interest of the child, weighing the promotion of educational stability as a primary factor.
    - (b) In accordance with 20 U.S.C. secs. 6301 et seq., the cost of transportation shall not be a factor in determining the best interest of a child for an enrollment decision.
  - (4) If the department finds it is in the best interest of a child to remain in the school of origin upon placement of the child in a new school district, reasonable transportation shall be offered from the location of placement to the school of origin in which the child is enrolled for any regularly scheduled school day. In accordance with 20 U.S.C. secs. 6301 et seq., costs incurred by a school district, foster parent, child-placing agency, or child-caring facility for transportation to the school shall be reimbursed by the department upon request.
  - (5) Upon the determination that changing a child's school of enrollment is in the best interest of the child:
    - (a) *The department, any applicable child-caring facility, child-placing agency, school, and local school district, and the child's state agency caseworker*~~[child welfare and local education agencies]~~ shall collaborate to ensure the immediate and appropriate enrollment of the child;
    - (b)
      1. The child's *state agency* caseworker shall immediately contact the receiving district to *inform the district of the pending enrollment changes*.
      2. *The child's state agency caseworker or child-caring facility or child-placing agency case manager shall either accompany the child and the foster parent to the new school to enroll the child or contact applicable staff at the new school via telephone during the day of enrollment, to assist with the enrollment, to share information relating to the child's unique needs and prior experiences that may impact their education, and to identify and prevent disruptions in any instructional or support services that the child may have been receiving prior to that time, including but not limited to medical and behavioral health history and individual service plans*~~[enroll the child]~~;
    - (c) In accordance with 20 U.S.C. secs. 6301 et seq., the new school shall immediately enroll the child, even if the child is unable to produce records required for enrollment, including but not limited to:
      1. Academic records;
      2. Medical records; and
      3. Proof of residency;
    - (d) The new school shall immediately request the records of the child from the child's previous school;
    - (e) The previous school shall provide the new school:
      1. Notwithstanding KRS 159.170, all records within the student information system maintained by the Kentucky Department of Education regarding the child *by the end of the working day on the day*~~[within three (3) working days]~~ of receipt of a request made under this subsection. *If a record*

*provided to the new school is incomplete, the previous school shall provide the completed record within three (3) working days of the original request; and*

2. In accordance with KRS 159.170, all remaining records regarding the child within ten (10) working days of receipt of a request made under this subsection;
- (f) *In accordance with 20 U.S.C. sec. 1232g, the department responsible for the child, and the child's state agency caseworker, or child-caring facility or child-placing agency case manager shall be granted access to all educational records on a confidential basis in order to facilitate the proper transfer, enrollment, and educational placement of the child;*
- (g) In accordance with KRS 158.140(1), promotions or credits earned in attendance in any approved public school shall be accepted as valid at the new school;~~and~~
- (h) The department, *child-caring facilities, child-placing agencies, child's state agency caseworkers, school districts*~~each local education agency~~, and foster parents shall *each* collaborate *with one another* to ensure the educational stability of each child, *and to assist one another with meeting the educational needs of each child in furtherance of the rights enumerated in KRS 620.363; and*
- (i)
  1. *The department, child-caring facilities, child-placing agencies, and a child's state agency caseworker, may share information regarding a child and facts learned about a child and his or her unique needs and prior experiences, as necessary, with staff of the new school district in which the child is enrolling in order to identify and serve the educational needs of the child.*
  2. *All information regarding a child or facts learned about a child by the department, any child-caring facility or child-placing agency licensed by the cabinet, or a child's state agency caseworker, and shared with staff of a school district pursuant to this section, shall be deemed confidential in the same manner and subject to the same provisions as similar records of the cabinet. The information thus obtained shall not be published or be open for public inspection, except to authorized employees of the school district in performance of their duties and to identify and serve the educational needs of the child.*
- (6) The *school* district in which the child is enrolled upon his or her successful completion of all high school graduation requirements shall issue a diploma indicating graduation from high school to the child.

➔Section 7. The Kentucky Department of Education shall undertake a review of the protocols for collection of student records, and the transfer of student records among schools and local districts, within the student information system. As part of this review, and in consultation with both the system vendor and school administrators who regularly use the system to execute records transfers, the department shall seek to identify ways in which the transfer of student records among schools and districts may be executed more expeditiously, and more efficiently for both sending and receiving districts. The department shall report to the Interim Joint Committee on Education by December 1, 2020, on the outcome of the review and the nature of possible system improvements that may be identified.

**Signed by Governor March 27, 2020.**

## CHAPTER 65

### ( HB 331 )

AN ACT relating to the Kentucky Educational Savings Plan Trust.

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

➔Section 1. KRS 164A.305 is amended to read as follows:

As used in KRS 164A.300 to 164A.380, except where the context clearly requires another interpretation:

- (1) "Act" means the Kentucky Educational Savings Plan Trust Act codified at KRS 164A.300 to 164A.380;
- (2) "Administrative fund" means the funds used to administer the Kentucky Educational Savings Plan Trust;
- (3) "Beneficiary" means:

- (a) Any person designated at the commencement of participation by a participation agreement to benefit from payments for education costs at an educational institution;
  - (b) The new beneficiary, in the case of a change of beneficiaries pursuant to KRS 164A.330(4); or
  - (c) The scholarship recipient, in the case of a participation agreement entered into as part of a scholarship program operated by a state or local government organization or an organization described in Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. sec. 501(c)(3), that is exempt from federal income taxation pursuant to Section 501(a) of that code;
- (4) "Benefits" means the payment of education costs on behalf of a beneficiary by the savings plan trust during the beneficiary's attendance at an educational institution;
  - (5) "Board" means the board of directors of the Kentucky Higher Education Assistance Authority;
  - (6) "Educational institution" means an eligible educational institution under 26 U.S.C. sec. 529(e)(5) or an elementary or secondary public, private, or religious school;
  - (7) "Institution of higher education" means an institution as defined in Section 529(e)(5) of the Internal Revenue Code of 1986, as amended;
  - (8) "Kentucky Educational Savings Plan Trust" or "savings plan trust" means the trust created pursuant to KRS 164A.310;
  - (9) "Participant" means an organization described in Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. sec. 501(c)(3), that is exempt from federal income taxation pursuant to Section 501(a) of that code, an individual, firm, corporation, a state or local government organization, or a legal representative of any of the foregoing who has entered into a participation agreement pursuant to KRS 164A.300 to 164A.380 for the advance payment of educational costs on behalf of a beneficiary;
  - (10) "Participation agreement" means an agreement between a participant and the savings plan trust, pursuant to and conforming with the requirements of KRS 164A.300 to 164A.380;
  - (11) "Program administrator" means the administrator of the savings plan trust appointed by the board to administer and manage the trust;
  - (12) "Program fund" means the program fund established by KRS 164A.335 which shall be held as a separate fund within the savings plan trust;
  - (13) "Qualified educational expenses" means:
    - (a) With regard to higher education expenses, the costs specified in 26 U.S.C. sec. 529(e)(3) for attendance at an institution of higher education;~~and~~
    - (b) With regard to elementary and secondary education expenses, tuition of up to ten thousand dollars (\$10,000) per year in connection with enrollment or attendance at an elementary or secondary public, private, or religious school;
    - (c) ***With regard to qualified education loan repayments, the amounts paid as principal or interest on any qualified education loan, as defined in 26 U.S.C. sec. 221(d), of the beneficiary or his or her sibling, not to exceed an aggregate amount of ten thousand dollars (\$10,000) per person; and***
    - (d) ***With regard to registered apprenticeship programs, expenses for fees, books, supplies, and equipment for participation in an apprenticeship program registered and certified with the United States Secretary of Labor.***
  - (14) "Tuition" means the quarterly or semester charges imposed to attend an educational institution and required as a condition of enrollment; and
  - (15) "Vested participation agreement" means a participation agreement which has been in full force and effect during eight (8) continuous years of residency of the beneficiary in the Commonwealth while participating in the savings plan trust.

**Signed by Governor March 27, 2020.**

## CHAPTER 66

## ( HB 366 )

AN ACT relating to Eastern Kentucky University's model and practice school.

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

➔Section 1. KRS 164.380 is amended to read as follows:

- (1) The board of regents of *Eastern Kentucky University* ~~shall each of the state universities or colleges may~~ *operate, maintain, and serve as the fiscal agent for* ~~[in connection with the college,]~~ a model and practice school *which shall be an educational laboratory school* under the supervision of thoroughly trained *and certified education professionals* ~~[teachers]~~ for the purpose of *piloting and testing kindergarten through high school educational pedagogies, practices, programs, assessments, and innovations to further the educational mission of the Commonwealth* ~~[giving observation and practice work to the student teachers].~~
- (2) *The model and practice school shall:*
  - (a) *Be a university-operated public school under the governance of the Eastern Kentucky University board of regents that is separate from any school district;*
  - (b) *If confirmed by the board of regents, serve as a local education agency for the purposes of federal programs;*
  - (c) *Be subject to all statutes and regulations applicable to any other subdivision of the university, and to those statutes and regulations identified in this section or those relating to health, safety, and civil rights that are applicable to school districts;*
  - (d) *Enroll students in grades kindergarten through twelve (12), from any district in the Commonwealth, in compliance with the university's nondiscrimination policy and in alignment with the school's research objectives;*
  - (e) *Ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100;*
  - (f) *Ensure high school course offerings meet or exceed the minimum high school requirements established pursuant to KRS 156.160;*
  - (g) *Participate in the assessment and accountability system under KRS Chapter 158 in the same manner as a school district and be rated and reported in the same manner as a school district;*
  - (h) *Use the same system for recording student information data as utilized by local school districts across the state in the same manner as a school district;*
  - (i) *Be subject to the same statutes requiring or authorizing criminal background checks and clear CA/N checks as specified in KRS 160.380 and 161.148 in the same manner as a school district;*
  - (j) *Provide instructional time that is at least equivalent to the student instructional year specified in KRS 158.070;*
  - (k) *Be eligible to participate in the education technology funding program under the same conditions as a district under KRS 157.655 and 157.665;*
  - (l) *Provide sufficient data to the Department of Education to generate school report cards under KRS 158.6453;*
  - (m) *Unless otherwise prevented by state or federal law, be eligible to apply for or participate in any state grant programs offered to school districts;*
  - (n) *Be eligible to participate in alternative educator certification, educator rank change, and educator internship programs in the same manner as a school district; and*
  - (o) *Be eligible to participate in state-sponsored interscholastic athletics, academic programs, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent, and subject to the same conditions, as any other public school or individual.*
- (3) *The board of regents shall adopt model and practice school policies to:*

- (a) *Develop and identify the research objectives to be conducted in the school that shall respond to the education needs within the Commonwealth and may be coordinated with the Department of Education, the Education Professional Standards Board, other academic colleges at Eastern Kentucky University, other universities or state agencies, or as directed by the General Assembly;*
  - (b) *Govern the conduct of research at the school by the university and other research partners;*
  - (c) *Establish tuition and fees, if any, for student enrollment. The policy shall include that no student who would qualify under federal law for free or reduced-price lunch shall be required to pay fees and no student shall be required to pay additional tuition or fees for exceptional education services;*
  - (d) *Establish enrollment guidelines that reflect the school's research objectives and may include a maximum enrollment cap of students residing in a local school district through an agreement entered into with the district's local board of education;*
  - (e) *Provide for the operation and management of the school, which shall include establishing the guidelines for the selection, implementation, and procurement of instructional programs, resources, materials, technology, and textbooks; and*
  - (f) *Issue high school diplomas to students who meet the state graduation requirements established pursuant to KRS 156.160.*
- (4) *The Eastern Kentucky University board of regents shall establish a model and practice school advisory council to provide general oversight and guidance for the operation of the school.*
- (a) *The advisory council shall be composed of:*
    - 1. *The superintendent of the school, who shall serve as chair;*
    - 2. *One (1) member who shall be a faculty member working at the school;*
    - 3. *Two (2) members who shall be faculty working outside of the school;*
    - 4. *Two (2) members who shall be residing in counties in which students attending the school reside;*
    - 5. *Two (2) members who shall be parents of students attending the school; and*
    - 6. *One (1) member who shall be a secondary student at the school.*
  - (b) *Other than the superintendent, all members of the advisory council shall be appointed by the president of the university for two (2) year terms beginning on July 1 and any vacancy shall be filled in the same manner for the balance of the unexpired term.*
  - (c) *The council shall annually elect a vice chair at the first meeting of the school year.*
  - (d) *Council members shall not receive a per diem for their service but may be reimbursed for travel related expenses according to policies adopted by the board of regents.*
  - (e) *The council shall advise the superintendent, president, and board of regents on matters relating to the function of the school and shall:*
    - 1. *Meet at least quarterly;*
    - 2. *Review and provide feedback on the strategic plan of the school;*
    - 3. *Review and provide feedback on the results of student performance, programs and initiatives, and the implementation of the strategic plan;*
    - 4. *Provide recommendations on programming and research; and*
    - 5. *Provide feedback to the president on the performance of administrative team members of the school.*
- (5) *The average daily attendance of the students attending the model and practice school shall be included in the average daily attendance of the students' districts of residence for the purpose of determining equalization under KRS 157.440(1)(a) and (b) and KRS 157.621. The Department of Education shall also grant a district of residence a deduction for each of the district's students attending the model and practice school that adjusts the calculation under KRS 157.390(5) of the district's amount of local tax revenues generated for school purposes.*

- (6) *The superintendent of the model and practice school and the commissioner of education shall collaborate on the identification of research initiatives for the model and practice school that may be relevant to the Commonwealth.*
- (7) *All personnel of the model and practice school shall be university employees and shall be hired and employed subject to the university's policies and procedures.*
- (8) *Nothing in this section shall prohibit the superintendent or other model and practice school personnel from serving in other roles within the university. School personnel shall possess appropriate certifications and licenses as determined by the Education Professional Standards Board. However, school personnel shall be subject to the university's promotion, compensation, and tenure policies and other personnel policies adopted by the board of regents.*

➔Section 2. 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 administered statewide under KRS 158.6453(5)(b)5. 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, **or in high school at a model and practice school under Section 1 of this Act** 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, ***a high school of a model and practice school under Section 1 of this Act*** 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 is eligible to participate 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, recipients of a High School Equivalency 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 3. KRS 164.7885 is amended to read as follows:

- (1) Not later than August 1, 1999, and each June 30 thereafter, each Kentucky high school shall submit to the authority, a compiled list of all high school students during the academic year. A high school shall report the grade point average of an eligible high school student pursuant to KRS 164.7874 by January 15 following the end of the fall academic term in which the student completed the high school graduation requirements. The list shall identify the high school and shall contain each high school student's name, Social Security number, address, grade point average for the academic year, expected or actual graduation date, highest ACT score, family eligibility status for free or reduced-price lunch, and each AP, Cambridge Advanced International, or IB examination score. The Gatton Academy of Mathematics and Science in Kentucky, ~~and~~ the Craft Academy for Excellence in Science and Mathematics, **and the high school of a model and practice school under Section 1 of this Act** shall report the data on its students to the authority. The list need not contain the ACT, AP, Cambridge Advanced International, or IB if the authority receives the scores directly from the testing services. The authority shall notify each eligible high school student of his or her Kentucky educational excellence scholarship award earned each academic year. The authority shall determine the final Kentucky educational excellence scholarship and supplemental award based upon the actual final grade point average, highest ACT score, and qualifying AP, Cambridge Advanced International, or IB scores and shall notify each eligible twelfth-grade high school student of the final determination. The authority shall make available a list of eligible high school and postsecondary students to participating institutions.
- (2) The authority shall provide data access only to the Kentucky Longitudinal Data System and to those participating institutions that have either received an admission application from an eligible high school or postsecondary student or have been listed by the eligible high school or postsecondary student on the Free Application For Federal Student Aid.
- (3) For each eligible postsecondary student enrolling in a participating institution after July 1, 1999, the participating institution shall verify to the authority:
  - (a) The student's initial eligibility for a Kentucky educational excellence scholarship, Kentucky educational excellence scholarship and supplemental award, or supplemental award only pursuant to KRS 164.7879(3)(d) through the comprehensive list compiled by the authority or an alternative source satisfactory to the authority;
  - (b) The student's highest ACT score attained by the date of graduation from high school, provided that the participating institution need not report the ACT score if the authority receives the ACT score directly from the testing services;
  - (c) The eligible postsecondary student's full-time or part-time enrollment status at the beginning of each academic term; and
  - (d) The eligible postsecondary student's cumulative grade point average after the completion of each award period.
- (4) Each participating institution shall submit to the authority a report, in a form satisfactory to the authority, of all eligible postsecondary students enrolled for that academic term. Kentucky educational excellence scholarships and supplemental awards shall be disbursed by the authority to each eligible postsecondary student attending a participating institution during the academic term within thirty (30) days after receiving a satisfactory report.
- (5) The Kentucky educational excellence scholarship and the supplemental award shall not be reduced, except as provided in KRS 164.7881(4).
- (6) Kentucky educational excellence scholarships and supplemental awards shall not be awarded or disbursed to any eligible postsecondary students who are:
  - (a) In default on any loan under Title IV of the federal act; or
  - (b) Liable for any amounts that exceed annual or aggregate limits on any loan under Title IV of the federal act; or
  - (c) Liable for overpayment of any grant or loan under Title IV of the federal act; or

- (d) In default on any obligation to the authority under any programs administered by the authority until financial obligations to the authority are satisfied, except that ineligibility may be waived by the authority for cause.
- (7) Notwithstanding the provisions of KRS 164.753, the authority may promulgate administrative regulations for the administration of Kentucky educational excellence scholarships and supplemental awards under the provisions of KRS 164.7871 to 164.7885 and KRS 164.7889.

➔Section 4. The following KRS section is repealed:

156.472 Textbooks for model and practice schools.

**Signed by Governor March 27, 2020.**

## CHAPTER 67

( HB 375 )

AN ACT relating to reorganization.

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

➔Section 1. KRS 95A.020 is amended to read as follows:

*As used in this section, "chief fire officer" means an individual who plays an essential role in the administrative structure of his or her fire department.*

- (1) There is hereby created the **Kentucky Fire** Commission ~~{on Fire Protection Personnel Standards and Education}~~, hereinafter called "commission," which shall be attached to the Kentucky Community and Technical College System *for administrative purposes only*.
- (2) (a) *The commission shall include male, female, and racial minority representation.*  
(b) *No more than three (3) appointed members shall reside in the same congressional district.*
- (3) The commission shall be composed of **fourteen (14)**~~{seventeen (17)}~~ members, residents of the State of Kentucky, *and* appointed by the Governor. These members should be persons well qualified by experience or education in the field of fire protection or related fields.
- ~~(4){(3)}~~ The membership of the commission shall include:
  - (a) *One (1) member of a fire department formed under KRS Chapter 75 or KRS Chapter 273 who is:*
    - 1. *Not a chief fire officer;*
    - 2. *Not a career employee of any department other than the one from which he or she is nominated; and*
    - 3. *Selected from a list of at least three (3) names submitted by the Kentucky Firefighters Association*~~{ Two (2) volunteer firefighters, neither of which is a fire chief or assistant fire chief}~~;
  - (b) *One (1) member of a volunteer fire department who is:*
    - 1. *Not a chief fire officer;*
    - 2. *Not a career employee of any fire department other than the one from which he or she is nominated; and*
    - 3. *Selected from a list of at least three (3) names submitted by the Kentucky Firefighters Association*~~{ Three (3) paid firefighters, at least one (1) of whom shall be a full-time paid county firefighter and none of whom shall be a fire chief or assistant fire chief}~~;
  - (c) *One (1) member of a fire department formed under KRS Chapter 95 selected from a list of at list three (3) names submitted by the Kentucky Professional Firefighters*~~{trustee of a volunteer fire department or fire district who is not a volunteer firefighter}~~;

- (d) *One (1) chief~~Two (2)~~ fire officer~~chiefs~~ of a paid fire department~~departments~~ selected from a list of at least three (3) names submitted by the Kentucky Association of Fire Chiefs;*
  - (e) *One (1) licensed physician with experience in emergency medicine;*
  - (f) *A chief~~Two (2)~~ fire~~chiefs~~ officer of a volunteer fire department~~departments~~ who is not a career member of any other department, selected from a list of at least three (3) names submitted by the Kentucky Association of Fire Chiefs;*
  - (g) *One (1) member of a fire department formed under KRS Chapter 67, 75, or a fire department in a county containing an urban county government created pursuant to KRS Chapter 67A, who is selected from a list of at least three (3) names submitted by the Kentucky Professional Firefighters~~One (1) representative of the Kentucky Industrial Response Committee~~;*
  - (h) *The director of Homeland Security or his or her designee~~One (1) representative of the Division of Emergency Management of the Department of Military Affairs~~;*
  - (i) *One (1) mayor or other officer of a Kentucky city providing fire services under KRS Chapter 95 selected from a list of at least three (3) names submitted by the Kentucky League of Cities;*
  - (j) *One (1) county judge/executive or other officer of a Kentucky county selected from a list of at least three (3) names submitted by the Kentucky Association of Counties;*
  - (k) *One (1) representative of a Kentucky building, industry, or safety association~~business enterprise~~; and*
  - (l) *One (1) representative of the general public who is not an employee of any government or governmental agency;*
  - (m) *The State Fire Marshal or his or her designee;*
  - (n) *One (1) officer of a fire based emergency medical service selected from a list of at least three (3) names submitted by the Executive Director of the Kentucky Board of Emergency Medical Services.*
- (5) *The Vice President of Administrative Services~~chancellor for the Technical Institutions' Branch~~ of the Kentucky Community and Technical College System, President of the Kentucky Firefighters Association, President of the Kentucky Professional Firefighters, and President of the Kentucky Association of Fire Chiefs~~and the state fire marshal~~, or their designees, shall serve as nonvoting ex officio members of the commission.~~Their designees shall have full voting rights.~~*
- (6) *The members of the commission who are firefighters shall possess a minimum of five (5) years of fire service experience and shall be certified with the following:*
- (a) *One hundred fifty (150) hours of training for volunteer firefighters; or*
  - (b) *Four hundred (400) hours of training for professional firefighters.*
- (7) *The Kentucky Firefighters Association, Kentucky Professional Firefighters, Kentucky Association of Fire Chiefs, Kentucky Board of Emergency Medical Services Association, Kentucky League of Cities, and Kentucky Association of Counties shall submit their lists of nominees by November 15 of each year as vacancies occur.*
- (8) *The Governor shall appoint members of the commission to staggered terms not to exceed four (4) years. However, initial appointments shall be appointed as follows:*
- (a) *Four (4) members shall serve for two (2) year terms ending November 30, 2021;*
  - (b) *Five (5) members shall serve three (3) year terms ending November 30, 2022; and*
  - (c) *Five (5) members shall serve four (4) year terms ending November 30, 2023.*
- (9) *After the expiration of the initial appointments, appointive members shall be appointed for a term of four (4) years. Any member chosen by the Governor to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he or she is chosen to succeed.*
- (10) *When vacancies occur other than by expiration of term and nominations are required, the Governor may request a new list or select an appointee from a previously submitted list. Appointive members shall not serve more than two (2) consecutive four (4) year terms.*

~~(11)(4)~~ *A majority of the voting members appointed to the commission shall constitute a quorum.* The commission shall:

- (a) Meet at least ~~four (4)~~~~six (6)~~ times per year *upon call of the chair, or upon the written request of any five (5) members; and*
- (b) Annually elect a chair, vice chair, and secretary in accordance with KRS 95A.030~~[- and~~
- ~~(c) Set a schedule of at least six (6) meetings for the next twelve (12) months].~~

~~(12)(5)~~ A member of the commission who misses three (3) regular meetings, without the approval of the chairman, in one (1) year shall be deemed to have resigned from the commission and his or her position shall be deemed to be vacant. As used in this subsection, a "year" begins when the first meeting is missed and ends three hundred sixty-five (365) days later or when the third meeting is missed, whichever occurs first. The Governor shall appoint a similarly qualified person to fill the vacancy within ninety (90) days of the vacancy occurring. The failure of a commission member to attend a special or emergency meeting shall not result in any penalty. A person removed under this subsection shall not be reappointed to the commission for at least ten (10) years after removal.

~~(13)(6)~~ Members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions.

~~[(7) Members of the commission appointed pursuant to this section shall first be appointed on July 15, 1980. The terms of members appointed earlier shall terminate on July 15, 1980, but the Governor may reappoint those members who qualify under the provisions of this section.]~~

➔Section 2. KRS 17.167 is amended to read as follows:

- (1) As used in this section, "felony offender" means any person who has been convicted of, entered an Alford plea to, or pleaded guilty to the commission of a capital offense or a felony.
- (2) Any paid or volunteer fire department certified by the **Kentucky Fire** Commission ~~for Fire Protection Personnel Standards and Education~~, ambulance service licensed by the Commonwealth of Kentucky, or rescue squad officially affiliated with a local disaster and emergency services organization or with the Division of Emergency Management may apply to the Justice and Public Safety Cabinet or the Administrative Office of the Courts for a felony offender record check on applicants for employment or membership with the fire department, ambulance service, or rescue squad.
- (3) Each application form, provided by a fire department, ambulance service, or rescue squad to an applicant for employment or membership, shall conspicuously state the following: "FOR EMPLOYMENT WITH OR MEMBERSHIP WITH A FIRE DEPARTMENT, AMBULANCE SERVICE, OR RESCUE SQUAD, STATE LAW PERMITS A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT OR MEMBERSHIP."
- (4) Any request for records under this section shall be on a form approved by the Justice and Public Safety Cabinet or the Administrative Office of the Courts. The Justice and Public Safety Cabinet and the Administrative Office of the Courts shall not charge a fee for making record checks.

➔Section 3. 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 **Kentucky Fire** 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 a simple majority of currently appointed 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.

➔Section 4. 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 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 **Kentucky Fire** 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 Department of Military Affairs shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to National Guard or Reserve component members, including but not limited to defining which National Guard or Reserve component members qualify for coverage and which circumstances constitute death in the line of duty.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) (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 5. KRS 75.400 is amended to read as follows:

As used in KRS 75.400 to 75.460, unless the context requires otherwise:

- (1) "Commission" means the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~, attached to the Kentucky Community and Technical College System.
- (2) "Fire department" includes all of the officers, firefighters, and clerical and maintenance employees, whether paid or volunteer.
- (3) "Full-time paid firefighter" means an individual who receives a minimum salary of eight thousand dollars (\$8,000) annually, and who works a minimum of two thousand and eighty (2,080) hours per year as an employee of a fire department recognized by the ~~fire~~ commission.
- (4) "Paid fire department" means a fire department recognized by the commission, of which at least fifty percent (50%) of its firefighters are full-time paid firefighters.
- (5) "Volunteer fire department" means a fire department with a minimum of twelve (12) members and a chief, at least one (1) operational fire apparatus or one (1) on order, with fewer than fifty percent (50%) of its firefighters being full-time paid firefighters.

➔Section 6. KRS 95A.055 is amended 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 with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars (\$100,000); or
  - (b) Any fire department incorporated under KRS Chapter 273.
- (2) If a fire protection district or volunteer fire department district's annual revenues or expenditures equals or exceeds one hundred thousand dollars (\$100,000) for two (2) consecutive fiscal years, then the fire district 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) The commission shall ensure that every fire department shall at least once every four (4) years be subject to a financial review that shall include procedures developed by the commission and approved by the Auditor of Public Accounts in advance. Subsequent changes to these procedures shall also be approved by the Auditor of Public Accounts prior to the period in which they are performed.
- (6) The commission may require any fire department with the higher of annual receipts from all sources or annual expenditures equal to or greater than one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000) to once every four (4) years be subject to an independent audit in the manner specified in KRS 65A.030(2).
- (7) The commission shall ensure that every fire department with the higher of annual receipts from all sources or annual expenditures equal to or greater than five hundred thousand dollars (\$500,000) for two (2) consecutive fiscal years is audited annually in the manner specified in KRS 65A.030(2) until its annual revenues or expenditures are less than five hundred thousand dollars (\$500,000).
- (8) The Auditor of Public Accounts may, upon request, examine and review the reports and all related work papers and documents relating to a financial review or audit under this section.
- (9) If a fire department fails to comply with this section or KRS 75.430, 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.
- (10) The commission shall report any irregularities relating to the finances or operations of a fire department that it identifies to the Attorney General and Auditor of Public Accounts, and the commission may notify any other public official with jurisdiction over fire departments for further investigation and follow-up.
- (11) The commission may prescribe corrective actions to bring fire departments that are, as of July 15, 2016, not in compliance with KRS Chapter 65A into compliance with this section. Any sanctions imposed by the Department for Local Government prior to July 15, 2016, 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.
- (12) 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.
- (13) The ~~fire~~ commission shall promulgate administrative regulations under KRS Chapter 13A as soon as practicable after July 15, 2016, to implement this section and KRS 75.430.
- (14) 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.

➔Section 7. KRS 95A.070 is amended to read as follows:

- (1) If a firefighter as defined in KRS 61.315 is, before, on, or after July 15, 2002, permanently and totally disabled as defined in KRS 342.0011 as a direct result of activities in the line of duty, then the firefighter shall be entitled to receive a monthly payment to be paid by the State Treasurer from the general fund appropriation to the police and firefighter-life insurance category contained in miscellaneous appropriations of the state/executive branch budget of:
- (a) Three hundred dollars (\$300) to help defray the costs of life insurance; and
  - (b) Three hundred dollars (\$300) to help defray the costs of health insurance.
- (2) In order to receive the monthly payment, the firefighter must present to the **Kentucky Fire** Commission ~~on Fire Protection Personnel Standards and Education~~:
- (a) A written statement from the fire chief of the fire department under whose command the firefighter was at the time of injury stating the fact that the firefighter was on active duty and on assignment with that fire department when the injury occurred; and
  - (b) A written statement from at least two (2) licensed and practicing physicians stating that the member is totally and likely to be permanently disabled as defined in KRS 342.0011; and
  - (c) Proof, in a form satisfactory to the commission, that the firefighter has either or both active life and health insurance policies.
- (3) (a) If a firefighter, either through a settlement of any kind or through any other source, has life insurance provided at no cost, then the firefighter shall not be eligible to receive the life insurance payment described in subsection (1)(a) of this section. If a firefighter receives partial payment of life insurance, and the portion of the payment that the firefighter is responsible for is less than the amount stated in subsection (1) of this section, then the firefighter shall only receive that portion of the payment to pay for the cost of the insurance.
- (b) If a firefighter, either through a settlement of any kind or through any other source, has health insurance provided at no cost, then the firefighter shall not be eligible to receive the health insurance payment described in subsection (1)(b) of this section. If a firefighter receives partial payment of health insurance, and the portion of the payment that the firefighter is responsible for is less than the amount

stated in subsection (1) of this section, then the firefighter shall only receive that portion of the payment to pay for the cost of the insurance.

- (4) If the firefighter should no longer be considered permanently and totally disabled as defined in KRS 342.0011, or if either or both life and health insurance policies are terminated, then the firefighter shall within thirty (30) days of that determination notify the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~, in writing, of that fact or facts. The commission shall then terminate the appropriate subsequent payments to that firefighter. A firefighter may continue to receive payments for one (1) type of insurance as long as the firefighter is still permanently and totally disabled and the insurance policy is active. If the firefighter fails to notify the commission within thirty (30) days and receives subsequent payments under this section, the firefighter shall be responsible for repaying any payments provided to the firefighter under this section from the date that the firefighter was no longer considered permanently and totally disabled.
- (5) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall promulgate administrative regulations in accordance with the provisions of KRS Chapter 13A establishing procedures and criteria applicable to the administration of this section by December 31, 2002.
- (6) Any firefighter convicted of knowingly providing false information to receive the benefits in subsection (1) of this section shall be guilty of a Class D felony and shall be responsible for repaying the total amount paid to the firefighter, plus interest, under the provisions of this section within a time to be determined by the commission. The firefighter shall also no longer be eligible to receive any payments provided under this section.
- (7) In the event sufficient funds do not exist to cover all the financial obligations of this section, then the payments shall be prorated among the participants evenly.

➔Section 8. KRS 95A.210 is amended to read as follows:

As used in KRS 95A.200 to 95A.300, unless the context otherwise requires:

- (1) "Commission" means the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ established pursuant to KRS 95A.020;
- (2) "Established work schedule" means a work schedule adopted by or required of a local government setting a recurring pattern for time on and off duty for professional firefighters employed by the local government. An established work schedule includes but is not limited to a schedule of twenty-four (24) consecutive hours on duty, followed by forty-eight (48) consecutive hours off duty;
- (3) "Executive director" means the executive director of the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~;
- (4) "Fund" means Firefighters Foundation Program Fund;
- (5) "Local government" means any city, county, urban-county government, charter county government, unified local government, consolidated local government, or any combination thereof of the Commonwealth;
- (6) "Professional firefighter" means any member of a paid municipal fire department organized under KRS Chapter 95, 67A, or 67C, a fire protection district organized under KRS Chapter 75, or a county fire department created pursuant to KRS Chapter 67;
- (7) "Program" means the Alan "Chip" Terry Professional Development and Wellness Program for firefighters established in KRS 95A.292;
- (8) "Scheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which regularly recurs as part of an established work schedule; and
- (9) "Unscheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which does not regularly recur as part of an established work schedule.

➔Section 9. KRS 95A.262 is amended to read as follows:

- (1) The **Kentucky Fire** 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 A and B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190, not to exceed five hundred thousand dollars (\$500,000) per fiscal year.

- (2) (a) Except as provided in subsection (3) of this section, the **Kentucky Fire** 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.
- (b) The commission shall allot eleven thousand dollars (\$11,000) annually to each qualifying department.
- (c) 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.
- (d) 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.
- (e) 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 any other matters or standards that will best effect the purposes of the volunteer fire department aid law. A qualifying department shall:
1. Include at least twelve (12) firefighters;
  2. Have a chief;
  3. Have at least one (1) operational fire apparatus or one (1) on order; and
  4. Have at least fifty percent (50%) of its firefighters who have completed at least one-half (1/2) of one hundred fifty (150) training hours, or as otherwise established by the commission under KRS 95A.240(6), 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 KRS 95A.240(6), within the second year.
- These personnel, equipment, and training requirements shall not be made more stringent by the promulgation of administrative regulations.
- (f) 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.
- (g) 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 provided 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 **Kentucky Fire** 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 **Kentucky Fire** 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 **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~.

- (6) Upon the written request of any department, the **Kentucky Fire** 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) 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) Each fiscal year there shall be 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 **Kentucky Fire** 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 **Kentucky Fire** 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 emergency medical services, emergency medical responder, emergency medical technician, advanced emergency medical technician, 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.

➔Section 10. KRS 95A.265 is amended to read as follows:

- (1) There is hereby created a safety education fund to be administered by the **Kentucky Fire** Commission ~~{on Fire Protection Personnel Standards and Education}~~ to initiate education programs in the public schools and other agencies to reduce and prevent injuries and the loss of life. The fund shall:
  - (a) Provide funding for a statewide "Risk Watch" program to be implemented in the public schools;
  - (b) Provide funding for statewide fire safety initiatives and programs including the "Learn Not to Burn" program; and
  - (c) Allot grants to fire departments to provide resources for public education programs.
- (2) The commission shall promulgate administrative regulations to establish the criteria for providing funds to initiate injury prevention curricula and training programs throughout the state. The funding criteria shall include requirements that the recipients of funds work in cooperation with other agencies to establish the programs.

➔Section 11. KRS 95A.280 is amended to read as follows:

Each eligible local government, the Kentucky Community and Technical College System, and the Department of Military Affairs shall submit reports to the **Kentucky Fire** Commission ~~{on fire protection}~~ on June 30, September 30, December 31, and March 31 of each year containing information relative to number, rank, education, training and compensation of firefighters and fire and rescue training coordinators in their jurisdictions and the disposition made of any state or other funds received pursuant to KRS 95A.200 to 95A.300.

➔Section 12. KRS 95A.510 is amended to read as follows:

As used in KRS 95A.500 to 95A.560, unless the context requires otherwise:

- (1) "Qualified fire department" means any volunteer fire department in any city of any class, 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 eligible to receive volunteer fire department aid under KRS 95A.262(2); and

- (2) "Qualified share" means the amount of money allocated by the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ for volunteer fire department aid under KRS 95A.262(2), less any penalties for failure to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380.

➔Section 13. KRS 95A.520 is amended to read as follows:

- (1) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall pay to the merged district, for the first, second, and third years after the merger, the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2) equal to the total number of qualified shares that each department would have received previous to merger;
- (2) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall pay to the merged district, for the fourth, fifth, and sixth years after the merger, the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2) equal to fifty percent (50%) of the total number of qualified shares that each department would have received previous to merger, plus one (1) yearly disbursement of four thousand dollars (\$4,000) as a merger incentive; and
- (3) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall pay to the merged district, for the seventh year after the merger and thereafter, one (1) qualified share of volunteer fire department aid allotted under KRS 95A.262(2).

➔Section 14. KRS 95A.530 is amended to read as follows:

The trustees of the volunteer fire district shall notify the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~, in writing, within thirty (30) days of the merger or splitting of a merged volunteer fire district created under the provisions of this chapter. Notification shall be made in the manner prescribed by the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ in administrative regulations promulgated in accordance with the provisions of KRS Chapter 13A.

➔Section 15. KRS 95A.550 is amended to read as follows:

The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall calculate and disburse to each district merged after January 1, 2000, but before July 15, 2002, any payments owed the district according to the schedule set out in this section. In order to receive the payment, the trustees of the volunteer fire district shall notify the commission in writing within sixty (60) days of July 15, 2002, that there has been a merger in their jurisdiction within that time. If sufficient funds do not exist to make all the payments at one (1) time owed under the provisions of this subsection, then the available amount shall be prorated evenly and proportionately and disbursed among those merged districts each disbursement cycle until the total amount has been paid to each of those districts. The commission shall not reduce any other payments under KRS 95A.262 to make the payments under this subsection.

➔Section 16. KRS 95A.560 is amended to read as follows:

If the resulting merged district does not remain qualified to receive the volunteer fire department aid under KRS 95A.262(2), then the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall suspend all payments calculated under KRS 95A.520. The merged district shall have ninety (90) days to come into compliance with the requirements for qualification. If the merged district does so, then the commission shall resume payments as calculated under KRS 95A.520. If the merged district does not come into compliance within ninety (90) days of the loss of qualification, then the commission shall not resume payments as calculated under KRS 95A.520. Should the merged district come into compliance after ninety (90) days, it shall receive only one (1) qualified share of the volunteer fire department aid under KRS 95A.262(2).

➔Section 17. KRS 136.392 is amended to read as follows:

- (1) (a) Every domestic, foreign, or alien insurer, other than life and health insurers, which is either subject to or exempted from Kentucky premium taxes as levied pursuant to the provisions of either KRS 136.340, 136.350, 136.370, or 136.390, shall charge and collect a surcharge of one dollar and eighty cents (\$1.80) upon each one hundred dollars (\$100) of premium, assessments, or other charges, except for those municipal premium taxes, made by it for insurance coverage provided to its policyholders, on risk located in this state, whether the charges are designated as premiums, assessments, or otherwise. The premium surcharge shall be collected by the insurer from its policyholders at the same time and in the same manner that its premium or other charge for the insurance coverage is collected. The premium

surcharge shall be disclosed to policyholders pursuant to administrative regulations promulgated by the commissioner of insurance. However, no insurer or its agent shall be entitled to any portion of any premium surcharge as a fee or commission for its collection. On or before the twentieth day of each month, each insurer shall report and remit to the Department of Revenue, on forms as it may require, all premium surcharge moneys collected by it during its preceding monthly accounting period less any moneys returned to policyholders as applicable to the unearned portion of the premium on policies terminated by either the insured or the insurer. Insurers with an annual liability of less than one thousand dollars (\$1,000) for each of the previous two (2) calendar years may report and remit to the Department of Revenue all premium surcharge moneys collected on a calendar year basis on or before the twentieth day of January of the following calendar year. The funds derived from the premium surcharge shall be deposited in the State Treasury, and shall constitute a fund allocated for the uses and purposes of the Firefighters Foundation Program fund, KRS 95A.220 and 95A.262, and the Law Enforcement Foundation Program fund, KRS 15.430.

- (b) Effective July 1, 2019, the surcharge rate in paragraph (a) of this subsection shall only be adjusted by an Act of the General Assembly, and the adjusted rate shall be applied beginning ninety (90) days after the effective date of the Act.
- (2) Within five (5) days after the end of each month, all insurance premium surcharge proceeds deposited in the State Treasury as set forth in this section shall be paid by the State Treasurer into the Firefighters Foundation Program fund trust and agency account and the Law Enforcement Foundation Program fund trust and agency account. The amount paid into each account shall be proportionate to each fund's respective share of the total deposits, pursuant to KRS 42.190. Moneys deposited to the Law Enforcement Foundation Program fund trust and agency account shall not be disbursed, expended, encumbered, or transferred by any state official for uses and purposes other than those prescribed by KRS 15.410 to 15.500, except that beginning with fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse. On and after July 1, 1999, moneys in this account shall not lapse. Money deposited to the Firefighters Foundation Program fund trust and agency account shall not be disbursed, expended, encumbered, or transferred by any state official for uses and purposes other than those prescribed by KRS 95A.200 to 95A.300, except that beginning with fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse, but moneys in the revolving loan fund established in KRS 95A.262 shall not lapse. On and after July 1, 1999, moneys in this account shall not lapse.
- (3) Insurance premium surcharge funds collected from the policyholders of any domestic mutual company, cooperative, or assessment fire insurance company shall be deposited in the State Treasury, and shall be paid monthly by the State Treasurer into the Firefighters Foundation Program fund trust and agency account as provided in KRS 95A.220 to 95A.262. However, insurance premium surcharge funds collected from policyholders of any mutual company, cooperative, or assessment fire insurance company which transfers its corporate domicile to this state from another state after July 15, 1994, shall continue to be paid into the Firefighters Foundation Program fund and the Law Enforcement Foundation Program fund as prescribed.
- (4) No later than July 1 of each year, the Department of Insurance shall provide the Department of Revenue with a list of all Kentucky-licensed property and casualty insurers and the amount of premium volume collected by the insurer for the preceding calendar year as set forth on the annual statement of the insurer. No later than September 1 of each year, the Department of Revenue shall calculate an estimate of the premium surcharge due from each insurer subject to the insurance premium surcharge imposed pursuant to this section, based upon the surcharge rate imposed pursuant to this section and the amount of the premium volume for each insurer as reported by the Department of Insurance. The Department of Revenue shall compare the results of this estimate with the premium surcharge paid by each insurer during the preceding year and shall provide the Legislative Research Commission, the **Kentucky Fire** Commission~~on Fire Protection Personnel Standards and Education~~, the Kentucky Law Enforcement Council, and the Department of Insurance with a report detailing its findings on a cumulative basis. In accordance with KRS 131.190, the Department of Revenue shall not identify or divulge the confidential tax information of any individual insurer in this report.
- (5) The insurance premiums surcharge provided in this section shall not apply to premiums collected from the following:
  - (a) The federal government;
  - (b) Resident educational and charitable institutions qualifying under Section 501(c)(3) of the Internal Revenue Code;



- (c) Resident nonprofit religious institutions for real, tangible, and intangible property coverage only;
  - (d) State government for coverage of real property; or
  - (e) Local governments for coverage of real property.
- (6) Pursuant to the Non-Admitted and Reinsurance Reform Act of 2010, Title V, Subtitle B, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, the insurance premium surcharge on non-admitted insurance for multistate risks shall be exempt from the provisions of this section but shall be subject to the provisions of KRS 304.10-180.

➔Section 18. KRS 304.13-380 is amended to read as follows:

- (1) Each fire department operating within the Commonwealth, whether paid or volunteer, shall complete a report each time it responds to a fire call. The report shall be made on a form, similar to the National Fire Protection Association's standard fire reporting form, to be distributed by the **Kentucky Fire** Commission~~on Fire Protection Personnel Standards and Education~~ and shall include but not be limited to the following information:
- (a) Date of the fire call;
  - (b) Time of day of the fire response;
  - (c) Number of pieces of fire equipment responding to each call;
  - (d) Number of firefighters responding to each call;
  - (e) Description of the estimated fire damages; and
  - (f) Cause of the fire, if known, or the suspected cause of the fire.
- (2) Each fire department operating within the Commonwealth, whether paid or volunteer, shall file a monthly summary of the reports required to be completed in subsection (1) of this section with the commission's office. The commission shall transmit a copy of each fire department's monthly summary to the commissioner. Monthly summaries shall be made on a form, similar to the National Fire Protection Association's fire reporting action summary form, to be distributed by the commission.

➔Section 19. The General Assembly confirms Executive Order 2019-790, dated October 21, 2019, to the extent it is not otherwise confirmed or superseded by this Act.

**Signed by Governor March 27, 2020.**

## CHAPTER 68

( HB 420 )

AN ACT relating to food safety.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 260 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 8 of this Act, unless context requires a different meaning:*

- (1) (a) *"Covered produce" means food that is:*
- 1. *Produce as defined in 21 C.F.R pt. 112 and is a raw agricultural commodity; or*
  - 2. *A fruit or vegetable, including but not limited to: almonds, apples, apricots, apriums, artichokes-globe-type, Asian pears, avocados, babacos, bananas, Belgian endive, blackberries, blueberries, boysenberries, Brazil nuts, broad beans, broccoli, Brussels sprouts, burdock, cabbages; Chinese cabbages including but not limited to bok choy, mustard, and Napa; cantaloupes, carambolas, carrots, cauliflower, celeriac, celery, chayote fruit, sweet cherries, chestnuts, chicory roots and tops; citrus including but not limited to clementine, grapefruit, lemons, limes, mandarin, oranges, tangerines, tangors, and uniq fruit; cowpea beans, cress-garden, cucumbers, curly endive, currants, dandelion leaves, fennel-Florence, garlic, genip,*

*gooseberries, grapes, green beans, guavas; herbs including but not limited to basil, chives, cilantro, oregano, and parsley; honeydew, huckleberries, Jerusalem artichokes, kale, kiwifruit, kohlrabi, kumquats, leek, lettuce, lychees, macadamia nuts, mangos; other melons including but not limited to Canary, Crenshaw, and Persian; mulberries, mushrooms, mustard greens, nectarines, onions, papayas, parsnips, passion fruit, peaches, pears, peas, and peas-pigeon; peppers including but not limited to bell and hot; pine nuts, pineapples, plantains, plums, plumcots, quince, radishes, raspberries, rhubarb, rutabagas, scallions, shallots, snow peas, soursop, and spinach; sprouts including but not limited to alfalfa and mung bean; strawberries; summer squash including but not limited to patty pan, yellow, and zucchini; sweetsop, Swiss chard, taro, tomatoes, turmeric, turnips including roots and tops, walnuts, watercress, watermelons, and yams; and mixes of intact fruits and vegetables, including but not limited to fruit baskets.*

(b) *"Covered produce" does not include produce that is:*

1. *Rarely consumed raw, specifically the produce on the following exhaustive list: asparagus, black beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans; garden beets including roots and tops; sugar beets, cashews, sour cherries, chickpeas, cocoa beans, coffee beans, collards, sweet corn, cranberries, and dates; dill including seeds and weed; eggplants, figs, ginger, hazelnuts, horseradish, lentils, okra, peanuts, pecans, peppermint, potatoes, pumpkins, winter squash, sweet potatoes, and water chestnuts;*
2. *Produced by an individual for personal consumption or produced for consumption on the farm or another farm under the same management; or*
3. *Not a raw agricultural commodity;*

(2) *"Covered farm" means a farm or farm mixed-type facility that:*

- (a) *Has an average annual monetary value of produce sold during the previous three (3) year period of more than twenty-five thousand dollars (\$25,000) on a rolling basis, adjusted for inflation using 2011 as the baseline year for the calculation of the adjustment; and*
- (b) *Is subject to all applicable requirements of 21 C.F.R. pt. 112, Sections 1 to 8 of this Act, or any administrative regulation adopted pursuant to Section 5 of this Act, including registration requirements;*

(3) *"Department" means the Kentucky Department of Agriculture;*

(4) *"Farm" has the same meaning as in 21 C.F.R. sec. 112.3;*

(5) *"Farm mixed-type facility" has the same meaning as in 21 C.F.R. sec. 112.3;*

(6) *"Food" has the same meaning as in 21 C.F.R. sec. 112.3;*

(7) *"Produce" has the same meaning as in 21 C.F.R. sec. 112.3;*

(8) *"Qualified end user" has the same meaning as in 21 C.F.R. sec. 112.3;*

(9) *"Raw agricultural commodity" has the same meaning as in 21 C.F.R. sec. 112.3; and*

(10) *"Stop movement order" means an order issued by the department or its representative that removes covered produce and stops the sale of the removed product until a release or change of order has been issued by the department or its representative.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 260 IS CREATED TO READ AS FOLLOWS:

(1) *The department is directed to implement the Produce Safety Rule, 21 C.F.R. pt. 112, which was promulgated by the United States Food and Drug Administration under the authority of the Food Safety Modernization Act, Pub. L. No. 111-353.*

(2) *Notwithstanding any provision of the law to the contrary, the department shall discontinue its implementation efforts upon the earliest of the following occurrences:*

- (a) *The federal government declines to provide funds to the department for the implementation of 21 C.F.R. pt. 112; or*
- (b) *The exhaustion of the federal funds received by the department for implementation of 21 C.F.R. pt. 112.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 260 IS CREATED TO READ AS FOLLOWS:

- (1) *A representative of the department shall have access, at reasonable hours, to enter onto any covered farm or any farm that is eligible for an exemption in accordance with 21 C.F.R. pt. 112, Sections 1 to 8 of this Act, or any administrative regulation adopted pursuant to Section 5 of this Act for the purpose of:*
  - (a) *Inspecting the farm;*
  - (b) *Securing samples or specimens; or*
  - (c) *Making copies of documents.*
- (2) *The department shall make or cause to be made examinations of samples or specimens secured pursuant to this section to determine whether any provision of Sections 1 to 8 is being violated.*
- (3) *No person shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent a representative of the department or any other person in the performance of his or her duty in connection with Sections 1 to 8 or any administrative regulation adopted pursuant to Section 5 of this Act.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 260 IS CREATED TO READ AS FOLLOWS:

- (1) *Covered produce is eligible for a commercial processing exemption and the provisions set forth in Sections 1 to 8 of this Act if:*
  - (a) *The covered produce receives commercial processing that adequately reduces the presence of microorganisms of public health significance;*
  - (b) *The covered farm discloses in documents accompanying the produce, in accordance with the practice of the trade, that the food is "not processed to adequately reduce the presence of microorganisms of public health significance";*
  - (c) *The covered farm complies with the requirements of 21 C.F.R. sec. 112.2;*
  - (d) *The requirements of 21 C.F.R. pt. 112 Subpart A and Subpart Q apply to that produce; and*
  - (e) *An entity that provides a written assurance under 21 C.F.R. sec. 112.2 acts consistently with the assurance and documents its actions taken to satisfy the written assurance.*
- (2) *A covered farm is not subject to Sections 1 to 8 of this Act if:*
  - (a) *It satisfies the requirements in 21 C.F.R. secs. 112.5, 112.6, and 112.7; and*
  - (b) *An owner, operator, or agent in charge of a covered farm that is eligible for a qualified exemption be required to complete any training courses as designated by the department; and*
  - (c) *The United States Food and Drug Administration or the department has not withdrawn the covered farm's exemption in accordance with the requirements of 21 C.F.R pt. 112 Subpart R, Sections 1 to 8 of this Act or any administrative regulation adopted pursuant to Section 5 of this Act.*
- (3) *A covered farm is eligible for a qualified exemption and associated modified requirements in a calendar year if:*
  - (a) *During the previous three (3) year period preceding the applicable calendar year, the average annual monetary value of the food the farm sold directly to qualified end users during that period exceeded the average annual monetary value of the food the farm sold to all other buyers during that period; and*
  - (b) *The average annual monetary value of all food the farm sold during the three (3) year period preceding the applicable calendar year was less than five hundred thousand dollars (\$500,000), adjusted for inflation, using 2011 as the baseline year for the calculation.*
- (4) *If a farm is eligible for a qualified exemption in accordance with 21 C.F.R. sec. 112.5, then the farm is subject to the requirements of 21 C.F.R. sec. 112 Subparts A, O, Q, and R and the modified requirements established in 21 C.F.R. secs. 112.6 and 112.7.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 260 IS CREATED TO READ AS FOLLOWS:

*The department shall have the following powers, and all powers incidental or necessary to same, in carrying out the duties set forth in Sections 1 to 8 of this Act:*

- (1) *Promulgate administrative regulations necessary for the accomplishment of the purposes intended and the proper administration and enforcement of Sections 1 to 8 of this Act; and*
- (2) *Enter into cooperative agreements with state agencies, federal agencies, universities, and other entities.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 260 IS CREATED TO READ AS FOLLOWS:

- (1) *If a representative of the department believes that any covered produce on a covered farm that is being grown, kept, or exposed for sale or held in possession or under the control of any person to be in violation of any provision of 21 C.F.R. pt. 112, Sections 1 to 8 of this Act, or administrative regulations of the department adopted pursuant to Section 5 of this Act, then the department is authorized to issue a stop movement order for that covered produce.*
- (2) *If a representative of the department believes that any covered produce on a covered farm that is being grown, kept, or exposed for sale or held in possession or under the control of any person to be in violation of any provision of 21 C.F.R. pt. 112, Sections 1 to 8 of this Act, or administrative regulations of the department adopted pursuant to Section 5 of this Act, then the department is authorized to order the destruction of the covered produce.*
- (3) *Prior to an order of destruction of the covered produce, the department shall order the covered produce be destroyed in accordance with this section and secure written agreement from the person to whom a stop movement order was issued on a form to be provided by the department.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 249 IS CREATED TO READ AS FOLLOWS:

*If the covered produce that has been issued a stop movement order or sought to be destroyed is found to be in violation of any provision of 21 C.F.R. pt. 112, Sections 1 to 8 of this Act, or administrative regulations adopted pursuant to Section 5 of this Act, it shall be the duty of the Circuit Court to render judgment that covered produce be forfeited to the Commonwealth and that the goods be destroyed or sold by the department for any purpose other than to be used for food. Either party may appeal the Circuit Court's decision to the Court of Appeals.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 260 IS CREATED TO READ AS FOLLOWS:

- (1) *No covered farm or farm eligible for a qualified exemption shall violate any provision of 21 C.F.R. pt. 112, Sections 1 to 8 of this Act, or any administrative regulation adopted pursuant to Section 5 of this Act.*
- (2) *In addition to other criminal or civil penalties provided for elsewhere by law or by administrative regulation, any person who violates Sections 1 to 8 of this Act, or an administrative regulation adopted pursuant to Section 5 of this Act, shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1,000) per violation.*
- (3) *In determining the amount of any civil penalty, the department shall give due consideration to:*
  - (a) *The person's previous violations, if any;*
  - (b) *The seriousness of the violation; and*
  - (c) *The demonstrated good faith of the person charged in attempting to achieve compliance after being notified of the violation.*

Signed by Governor March 27, 2020.

## CHAPTER 69

( HB 153 )

AN ACT relating to mental health first aid training 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 210 IS CREATED TO READ AS FOLLOWS:

- (1) *The Cabinet for Health and Family Services shall establish and administer the Kentucky Mental Health First Aid Training Program or a similar program to train professionals and other members of the public to identify and assist individuals who may have or may be developing a mental health disorder, a substance*

*use disorder, or who may be experiencing a mental health or substance use crisis. The program shall promote access to certified trainers who have obtained certification in mental health first aid training by successfully completing an instructor training program approved by the cabinet.*

- (2) *The Kentucky Mental Health First Aid Training Program or a similar program shall promote training that is appropriate in content and vocabulary for the language, educational level, and literacy of the trainees and individuals to be served and that accomplishes the following objectives:*
  - (a) *Build mental health and substance use literacy that is designed to help the public identify, understand, and respond to the signs of mental health disorders, substance use disorders, and mental health or substance use crises; and*
  - (b) *Enable the trainee to assist an individual who may have or may be developing a mental health disorder, a substance use disorder, or who may be experiencing a mental health or substance use crisis. The ability to assist an individual includes knowledge of how to:*
    1. *Recognize the symptoms of a mental health disorder, a substance use disorder, and a mental health or substance use crisis;*
    2. *Provide initial help;*
    3. *Refer individuals requiring assistance toward appropriate professional help including help for individuals who may be in crisis;*
    4. *Prevent a mental health disorder, a substance use disorder, or a mental health or substance use crisis from deteriorating into a more serious condition that may lead to more costly interventions or treatments or harm to an individual; and*
    5. *Promote healing, recovery, and good mental health.*
- (3) *Subject to appropriations provided by the General Assembly, available funds in the Kentucky Mental Health First Aid Training fund created in Section 2 of this Act, or other available funding, the Cabinet for Health and Family Services shall award training grants for mental health first aid training provided by certified trainers. The training grants may support training courses or provide hardship subsidies for training fees.*
- (4) *The cabinet shall make awards equitably among geographical regions and meet the training needs of rural areas, areas with underserved populations, and areas with health care provider shortages. The recipients of awards may include but are not limited to law enforcement, corrections, education, retail establishments, military, older adults, and youth focused agencies.*
- (5) *The cabinet shall ensure that evaluation criteria are established and utilized to measure the distribution of the training grants and the fidelity of the training process in achieving the main objectives of the program.*
- (6) *The cabinet shall include information on training programs that are available on the cabinet's Web site.*
- (7) *The cabinet shall promulgate administrative regulations to implement this section.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Mental Health First Aid Training fund is hereby created as a separate trust and agency fund. The fund shall be administered by the Cabinet for Health and Family Services for the purpose outlined in Section 1 of this Act.*
- (2) *The fund may receive amounts from state or federal appropriations, grants, contributions, or other moneys made available for the purposes of the fund. All grants, contributions, or moneys received shall be deposited in the State Treasury in a trust and agency fund account to the credit of the Kentucky Mental Health First Aid Training fund. Moneys in the fund shall be used to support the Mental Health First Aid Training Program or similar program established under Section 1 of this Act and suicide prevention programs in Kentucky.*
- (3) *Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- (4) *Any interest earned on moneys in the fund shall become a part of the trust fund and shall not lapse.*
- (5) *Moneys in the fund are appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*

Signed by Governor March 27, 2020.

**CHAPTER 70****( SB 50 )**

AN ACT relating to pharmacy benefits in the Medicaid program and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS 205.510 TO 205.560 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 6 of this Act, unless context otherwise requires:*

- (1) *"Department" means the Department for Medicaid Services;*
- (2) *"Managed care organization" has the same meaning as in KRS 205.532;*
- (3) *"Pharmacy benefit manager" has the same meaning as in KRS 304.9-020;*
- (4) *"Spread pricing" means any technique by which a pharmacy benefit manager or other administrator of pharmacy benefits charges or claims an amount from an insurer or managed care organization for pharmacy or pharmacist services, including payment for a prescription drug, that is different than the amount the pharmacy benefit manager or other administrator pays to the pharmacy or pharmacist that provided the services; and*
- (5) *"State pharmacy benefit manager" means the pharmacy benefit manager contracted by the department, pursuant to Section 2 of this Act, to administer pharmacy benefits for all Medicaid recipients enrolled in a managed care organization in the Commonwealth.*

➔SECTION 2. A NEW SECTION OF KRS 205.510 TO 205.560 IS CREATED TO READ AS FOLLOWS:

- (1) *By December 31, 2020, the department, in accordance with KRS Chapter 45A, shall select and contract with a third-party administrator to serve as the state pharmacy benefit manager for every managed care organization with whom the department contracts for the delivery of Medicaid services.*
- (2) *The state pharmacy benefit manager shall be responsible for administering all pharmacy benefits for Medicaid recipients enrolled in a managed care organization with whom the department contracts for the delivery of Medicaid services.*
- (3) *Each contract entered into or renewed by the department for the delivery of Medicaid services by a managed care organization after the cabinet has selected and contracted with the state pharmacy benefit manager shall require the managed care organization to contract with and utilize the state pharmacy benefit manager for the purpose of administering all pharmacy benefits for Medicaid recipients enrolled with the managed care organization.*
- (4) *As part of the procurement process to select the state pharmacy benefit manager, the department shall:*
  - (a) *Establish eligibility criteria that an entity shall meet in order to be eligible to become the state pharmacy benefit manager;*
  - (b) *Accept proposals from eligible entities seeking to become the state pharmacy benefit manager;*
  - (c) *Establish a master contract to be used by the department when contracting with the state pharmacy benefit manager, which shall:*
    1. *Establish the state pharmacy benefit manager's fiduciary duty owed to the department;*
    2. *Comply with the provisions of subsection (4) of Section 3 of this Act;*
    3. *Require:*
      - a. *The use of pass-through pricing; and*
      - b. *The state pharmacy benefit manager to use the preferred drug list, reimbursement methodologies, and dispensing fees established by the department pursuant to subsection (1) of Section 3 of this Act; and*

4. *Prohibit:*
  - a. *The use of spread pricing; and*
  - b. *The state pharmacy benefit manager from:*
    - i. *Reducing payment for pharmacy or pharmacist services, directly or indirectly, under a reconciliation process to an effective rate of reimbursement. This prohibition shall include without limitation creating, imposing, or establishing direct or indirect remuneration fees, generic effective rates, dispensing effective rates, brand effective rates, any other effective rates, in-network fees, performance fees, pre-adjudication fees, post-adjudication fees, or any other mechanism that reduces, or aggregately reduces, payment for pharmacy or pharmacist services;*
    - ii. *Creating, modifying, implementing, or indirectly establishing any fee on a pharmacy, pharmacist, or a Medicaid recipient without first seeking and obtaining written approval from the department to do so;*
    - iii. *Requiring a Medicaid recipient to obtain a specialty drug from a specialty pharmacy owned by or otherwise associated with the state pharmacy benefit manager;*
    - iv. *Requiring or incentivizing a Medicaid recipient to use a pharmacy owned by or otherwise associated with the state pharmacy benefit manager; and*
    - v. *Requiring a Medicaid recipient to use a mail-order pharmaceutical distributor or mail-order pharmacy; and*
  - (d) *Select and contract with a single third-party administrator to serve as the state pharmacy benefit manager to administer all pharmacy benefits for Medicaid recipients enrolled in a managed care organization with whom the department contracts for the delivery of Medicaid services.*
- (5) *As part of the procurement process to select the state pharmacy benefit manager, an entity seeking to become the state pharmacy benefit manager shall disclose the following information:*
  - (a) *Any activity, policy, practice, contract including any national pharmacy contract, or agreement of the entity that may directly or indirectly present a conflict of interest in the entity's relationship with the department or a managed care organization with whom the department contracts for the delivery of Medicaid services;*
  - (b) *Any direct or indirect fees, charges, or any kind of assessments imposed by the pharmacy benefit manager on pharmacies licensed in Kentucky:*
    1. *With which the pharmacy benefit manager shares common ownership, management, or control;*
    2. *Which are owned, managed, or controlled by any of the pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company;*
    3. *Which share any common members on the board of directors; or*
    4. *Which share managers in common;*
  - (c) *Any direct or indirect fees, charges, or any kind of assessments imposed by the pharmacy benefit manager on pharmacies licensed in Kentucky which operate:*
    1. *More than ten (10) locations in the Commonwealth; or*
    2. *Ten (10) or fewer locations in the Commonwealth; and*
  - (d) *All common ownership, management, common members of a board of directors, shared managers, or control of a pharmacy benefit manager, or any of the pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company with:*
    1. *A managed care organization and its affiliated companies;*

2. *An entity that contracts on behalf of a pharmacy or any pharmacy services administration organization and its affiliated companies;*
  3. *A drug wholesaler or distributor and its affiliated companies;*
  4. *A third-party payor and its affiliated companies; and*
  5. *A pharmacy and its affiliated companies.*
- (6) *The contract between the department and the state pharmacy benefit manager shall be submitted to the Government Contract Review Committee of the Legislative Research Commission for comment and review.*

➔SECTION 3. A NEW SECTION OF KRS 205.510 TO 205.560 IS CREATED TO READ AS FOLLOWS:

(1) *The department shall:*

- (a) *Establish a single preferred drug list to be used by the state pharmacy benefit manager for each managed care organization with whom the department contracts for the delivery of Medicaid services; and*
- (b) *Promulgate administrative regulations that establish:*
  1. *Reimbursement methodologies; and*
  2. *Dispensing fees which may take into account applicable guidance by the Centers for Medicare and Medicaid Services and which may, to the extent permitted under federal law, vary by pharmacy type, including rural and independently owned pharmacies, chain pharmacies, and pharmacies owned or contracted by a health care facility that is registered as a covered entity pursuant to 42 U.S.C. sec. 256b.*

*Reimbursement methodologies established by administrative regulations shall not discriminate against pharmacies owned or contracted by a health care facility that is registered as a covered entity pursuant to 42 U.S.C. sec. 256b, to the extent allowable by the Centers for Medicare and Medicaid Services.*

- (2) *The reimbursement methodologies and dispensing fees established by the department pursuant to subsection (1) of this section shall be used by the state pharmacy benefit manager for each managed care organization with whom the department contracts for the delivery of Medicaid services.*
- (3) *The state pharmacy benefit manager shall administer, adjudicate, and reimburse pharmacy benefit claims submitted by pharmacies to the state pharmacy benefit manager in accordance with:*
  - (a) *The terms of any contract between a health care facility that is registered as a covered entity pursuant to 42 U.S.C. sec. 256b and a Medicaid managed care organization;*
  - (b) *The terms and conditions of the contract between the state pharmacy benefit manager and the Commonwealth; and*
  - (c) *The reimbursement methodologies and dispensing fees established by the department, pursuant to subsection (1) of this section.*
- (4) *The following shall apply to the state pharmacy benefit manager, the contract between the state pharmacy benefit manager and the department, and, where applicable, any contract between the state pharmacy benefit manager and a pharmacy:*
  - (a) *The department shall be responsible for reviewing and shall approve or deny:*
    1. *Any contract, any change in the terms of a contract, or suspension or termination of a contract between the state pharmacy benefit manager and a pharmacy licensed under KRS Chapter 315; and*
    2. *Any contract, any change in the terms of a contract, or suspension or termination of a contract between the state pharmacy benefit manager and an entity that contracts on behalf of a pharmacy licensed under KRS Chapter 315;*
  - (b) *The state pharmacy benefit manager shall comply with KRS 304.9-053, 304.9-054, and 304.9-055;*
  - (c) *After December 1, 2020, the state pharmacy benefit manager shall not enter into, renew, extend, or amend a national contract with any pharmacy that is inconsistent with:*



1. *The terms and conditions of the contract between the state pharmacy benefit manager and the Commonwealth; or*
2. *The reimbursement methodologies and dispensing fees established by the department, pursuant to subsection (1) of this section;*
- (d) 1. *When creating or establishing a pharmacy network for a managed care organization with whom the department contracts for the delivery of Medicaid services, the state pharmacy benefit manager shall not discriminate against any pharmacy or pharmacist that is:*
  - a. *Located within the geographic coverage area of the managed care organization; and*
  - b. *Willing to agree to or accept reasonable terms and conditions established by the state pharmacy benefit manager, or other administrator for network participation, including obtaining preferred participation status.*
2. *Discrimination prohibited by this paragraph shall include denying a pharmacy the opportunity to participate in a pharmacy network at preferred participation status; and*
- (e) *A contract between the state pharmacy benefit manager and a pharmacy shall not release the state pharmacy benefit manager from the obligation to make any payments owed to the pharmacy for services rendered prior to the termination of the contract between the state pharmacy benefit manager and the pharmacy or removal of the pharmacy from the pharmacy network.*

➔SECTION 4. A NEW SECTION OF KRS 205.510 TO 205.560 IS CREATED TO READ AS FOLLOWS:

*All payment arrangements between the department, managed care organizations, and the state pharmacy benefit manager shall comply with state and federal statutes, regulations adopted by the Centers for Medicare and Medicaid Services, and any other agreement between the department and the Centers for Medicare and Medicaid Services. The department may change a payment arrangement in order to comply with state and federal statutes, regulations adopted by the Centers for Medicare and Medicaid services, or any other agreement between the department and the Centers for Medicare and Medicaid services.*

➔SECTION 5. A NEW SECTION OF KRS 205.510 TO 205.560 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any provisions of law to the contrary, beginning on the effective date of this Act and continuing until December 31, 2020, a pharmacy benefit manager contracted with a managed care organization to administer Medicaid benefits shall not:*
  - (a) *Adjust, modify, change, or amend reimbursement methodologies, dispensing fees, and any other fees paid by the pharmacy benefit manager to pharmacies licensed in the Commonwealth;*
  - (b) *Create, modify, implement, or indirectly establish any fee on a pharmacy, pharmacist, or a Medicaid recipient in the Commonwealth; and*
  - (c) *Make any adjustments, modifications, or changes to a pharmacy network for the managed care organization with whom the pharmacy benefit manager has contracted to administer Medicaid benefits.*
- (2) *Notwithstanding any provisions of law to the contrary, beginning on the effective date of this Act and continuing until December 31, 2020, a pharmacy benefit manager contracted with a managed care organization to administer Medicaid benefits shall:*
  - (a) *Administer, adjudicate, and, when appropriate, reimburse any pharmacy benefit claim submitted to the managed care organization prior to the termination of the contract between the pharmacy benefit manager and the managed care organization in accordance with the contract between the pharmacy benefit manager and the managed care organization; and*
  - (b) *Not be released from its obligation to make any payments owed to a pharmacy licensed in the Commonwealth for pharmacy services rendered prior to the termination of the contract between the pharmacy benefit manager and the managed care organization.*
- (3) *The department shall impose a fine of twenty-five thousand dollars (\$25,000) per day per separate violation on a pharmacy benefit manager who violates subsection (1) or (2) of this section.*

➔SECTION 6. A NEW SECTION OF KRS 205.510 TO 205.560 IS CREATED TO READ AS FOLLOWS:

***By December 1, 2020, and at least annually thereafter, the Technical Advisory Committee on Pharmacy established in Section 7 of this Act shall make recommendations to the department regarding the reimbursement methodologies and dispensing fees used by the state pharmacy benefit manager pursuant to Section 3 of this Act.***

➔Section 7. KRS 205.590 is amended to read as follows:

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

consumer representative of a family member who resides in an ICF/ID facility that accepts Medicaid payments, all of whom shall be appointed by the Governor; one (1) member shall be appointed by the Arc of Kentucky; one (1) member shall be appointed by the Commonwealth Council on Developmental Disabilities; one (1) member shall be appointed by the Kentucky Association of Homes and Services for the Aging; and two (2) members shall be appointed by the Kentucky Association of Private Providers, one (1) of whom shall be a nonprofit provider and one (1) of whom shall be a for-profit provider;

- (n) A Technical Advisory Committee on Therapy Services consisting of six (6) members, two (2) of whom shall be occupational therapists and shall be appointed by the Kentucky Occupational Therapists Association, two (2) of whom shall be physical therapists and shall be appointed by the Kentucky Physical Therapy Association, and two (2) of whom shall be speech therapists and shall be appointed by the Kentucky Speech-Language-Hearing Association; and
  - (o) A Technical Advisory Committee on Pharmacy consisting of *seven (7)* ~~five (5)~~ *members, two (2) of whom shall be Kentucky licensed pharmacists who own fewer than ten (10) pharmacies in the Commonwealth and shall be appointed by the Kentucky Independent Pharmacy Alliance, two (2) of whom shall be Kentucky licensed pharmacists and shall be appointed by the Kentucky Pharmacy Association, and one (1) member to be appointed by each of the following organizations: the Kentucky Hospital Association, the Kentucky Primary Care Association, and the National Association of Chain Drug Stores* ~~pharmacists appointed by the Kentucky Pharmacists Association~~.
- (2) The members of the technical advisory committees shall serve until their successors are appointed and qualified.
  - (3) Each appointive member of a committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses in carrying out his duties with reimbursement for expenses being made in accordance with state regulations relating to travel reimbursement.

➔Section 8. KRS 205.647 is amended to read as follows:

- (1) As used in this section, "*state* pharmacy benefit manager" *means a pharmacy benefit manager, [has the same meaning] as defined in KRS 304.9-020, contracted by the department, pursuant to Section 2 of this Act, to administer pharmacy benefits for all Medicaid recipients enrolled in a managed care organization in the Commonwealth.*
- (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 KRS 304.9-053, 304.9-054, 304.9-055, and 304.17A-162.~~
- (3) ~~KRS 304.17A-162(10), (11), (12), and (13) shall not apply to a pharmacy benefit manager contracted directly with the cabinet to provide Medicaid benefits.~~
- (4) ~~[The state]~~ *A* pharmacy benefit manager ~~[contracting with a managed care organization to administer Medicaid benefits]~~ shall, *upon receipt of a request from the Department for Medicaid Services*, provide the following information to the Department for Medicaid Services *in a form and manner prescribed by the Department for Medicaid Services* ~~[no later than August 15, 2018, and for each year thereafter that the pharmacy benefit manager is contracted with a managed care organization to administer Medicaid benefits]~~:
  - (a) The total Medicaid dollars paid to the *state* pharmacy benefit manager by a managed care organization and the total amount of Medicaid dollars paid to the pharmacy benefit manager by a managed care organization which were not subsequently paid to a pharmacy licensed in Kentucky;
  - (b)
    - 1. The average reimbursement, by drug ingredient cost, dispensing fee, and any other fee paid by *the state* ~~[a]~~ pharmacy benefit manager to licensed pharmacies with which the *state* pharmacy benefit manager shares common ownership, management, or control; or which are owned, managed, or controlled by any of the *state* pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company; or which share any common members on the board of directors; or which share managers in common.
    - 2. For the purposes of this subsection, "average reimbursement" means a statistical methodology selected by the Department for Medicaid Services via any administrative regulations promulgated pursuant to this section which shall include, at a minimum, the median and mean;

- (c) The average reimbursement, by drug ingredient cost, dispensing fee, and any other fee, paid by *the state*~~{a}~~ pharmacy benefit manager to pharmacies licensed in Kentucky which operate more than ten (10) locations;
  - (d) The average reimbursement by drug ingredient cost, dispensing fee, and any other fee, paid by *the state*~~{a}~~ pharmacy benefit manager to pharmacies licensed in Kentucky which operate ten (10) or fewer locations; *and*
  - (e) ~~{Any direct or indirect fees, charges, or any kind of assessments imposed by the pharmacy benefit manager on pharmacies licensed in Kentucky with which the pharmacy benefit manager shares common ownership, management, or control; or which are owned, managed, or controlled by any of the pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company; or which share any common members on the board of directors; or which share managers in common;~~
  - (f) ~~Any direct or indirect fees, charges, or any kind of assessments imposed by the pharmacy benefit manager on pharmacies licensed in Kentucky which operate more than ten (10) locations;~~
  - (g) ~~Any direct or indirect fees, charges, or any kind of assessments imposed by the pharmacy benefit manager on pharmacies licensed in Kentucky which operate ten (10) or fewer locations; and~~
  - (h) ~~{All common ownership, management, common members of a board of directors, shared managers, or control of *the state*~~{a}~~ pharmacy benefit manager, or any of the *state* pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company with any managed care organization contracted to administer Kentucky Medicaid benefits, any entity which contracts on behalf of a pharmacy, or any pharmacy services administration organization; or any common ownership, management, common members of a board of directors, shared managers, or control of a pharmacy services administration organization that is contracted with *the state*~~{a}~~ pharmacy benefit manager, with any drug wholesaler or distributor or any of the pharmacy services administration organization's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, common members of a board of directors, manager, or holding company.~~
- (3)~~{(5)}~~ All information provided by *the state*~~{a}~~ pharmacy benefit manager pursuant to subsection (2)~~{(4)}~~ of this section shall reflect data for the most recent full calendar year and shall be divided by month. This information shall be managed by the Department for Medicaid Services in accordance with applicable law and shall be exempt from KRS 61.870 to 61.884 in accordance with KRS 61.878(1)(c).
- (4)~~{(6)}~~ Any contract entered into or renewed for the delivery of Medicaid services by a managed care organization on or after *the effective date of this Act*~~{July 1, 2018}~~, shall comply with the following requirements:
- (a) The Department for Medicaid Services shall, *in accordance with Section 3 of this Act*, set ~~or~~~~{}~~ create,~~{~~ ~~or approve,~~ and may change at any time for any reason, reimbursement rates between *the state*~~{a}~~ pharmacy benefit manager and a contracted pharmacy, or an entity which contracts on behalf of a pharmacy. Reimbursement rates shall include dispensing fees which take into account applicable guidance by the Center for Medicare and Medicaid Services~~{. A pharmacy benefit manager shall notify the Department for Medicaid Services thirty (30) days in advance of any proposed change of over five percent (5%) in the product reimbursement rates for a pharmacy licensed in Kentucky. The Department for Medicaid Services may disallow the change within thirty (30) days of this notification}~~;
  - (b) All laws and administrative regulations promulgated by the Department for Medicaid Services, including but not limited to the regulation of maximum allowable costs;
  - (c) The Department for Medicaid Services shall *review and may approve or deny* any contract between the managed care organization and *the state*~~{a}~~ pharmacy benefit manager;
  - (d) ~~{The Department for Medicaid Services shall approve any contract, any change in the terms of a contract, or suspension or termination of a contract between a pharmacy benefit manager contracted with a managed care organization to administer Medicaid benefits and an entity which contracts on behalf of a pharmacy, or any contract or any change in the terms of a contract, or any suspension or termination of a contract between a pharmacy benefit manager and a pharmacy or pharmacist; and~~

~~(e)~~ Any fee established, modified, or implemented directly or indirectly by a managed care organization, *the state* pharmacy benefit manager, or entity which contracts on behalf of a pharmacy that is directly or indirectly charged to, passed onto, or required to be paid by a pharmacy services administration organization, pharmacy, or Medicaid recipient shall be submitted to the Department for Medicaid Services for approval. This paragraph shall not apply to any membership fee or service fee established, modified, or implemented by a pharmacy services administration organization on a pharmacy licensed in Kentucky that is not directly or indirectly related to product reimbursement; *and*

*(e) The provisions of Sections 2 and 3 of this Act.*

~~(5)(7)~~ The Department for Medicaid Services may promulgate administrative regulations pursuant to KRS Chapter 13A as necessary to implement and administer its responsibilities under this section. These administrative regulations may include but are not limited to the assessment of fines, penalties, or sanctions for noncompliance.

~~(6)(8)~~ The Department for Medicaid Services may consider any information ascertained pursuant to this section in the setting, creation, or approval of reimbursement rates used by a pharmacy benefit manager or an entity which contracts on behalf of a pharmacy.

➔Section 9. If the Cabinet for Health and Family Services determines that a waiver or any other authorization from a federal agency is necessary prior to the implementation of any provision of this Act, the Cabinet for Health and Family Services shall, within 90 days of the effective date of this Act, request the waiver or authorization and may delay implementing any provision deemed to require a waiver or authorization only until the waiver or authorization is granted.

➔Section 10. Whereas there is urgent need to improve the administration and provision of pharmacy benefits for Medicaid recipients in 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 March 27, 2020.**

## CHAPTER 71

**( HB 414 )**

AN ACT relating to the use of automated calling equipment.

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

➔Section 1. KRS 367.461 is amended to read as follows:

- (1) As used in KRS 367.461 to 367.469, "automated calling equipment" means any device or combination of devices which is used to select or dial telephone numbers and to deliver recorded messages to the numbers so selected or dialed.
- (2) Unless the conditions set out in paragraphs (a) to (f) of this subsection are met, no person shall use automated calling equipment, or cause it to be used, for conducting polls, for soliciting information, or for advertising goods, services, or property:
  - (a) The person receiving the call consents to it, as specified in KRS 367.463;
  - (b) The recorded message clearly states the name and telephone number of the person or organization initiating the call within the first twenty-five (25) seconds of the message and at the conclusion of the message. That telephone number given in the recorded message shall, during normal office hours, be answered promptly and personally by an agent of the person or organization on whose behalf the automatic calls are made, who is able to provide information concerning the automatic calls;
  - (c) The automated calling equipment terminates its connection with any telephone call within ten (10) seconds after the person called either fails to consent to hear a recorded message or hangs up the telephone;

- (d) The use does not involve either the random or sequential dialing of telephone numbers, does not call telephone numbers which are omitted from the telephone directory at the customer's request, and does not call hospitals, nursing homes, fire protection agencies, or law enforcement agencies;
  - (e) Calls using the automated calling equipment are made only between 8:00 a.m. and 9:00 p.m.; and
  - (f) The automated calling equipment operates only when it is attended and is designed or installed so that it does not operate without an attendant, even in the event of power failures.
- (3) Nothing in this section prohibits the use of automated calling equipment to make calls with recorded messages ***or an artificial voice*** when the calls:
- (a) Are made in response to calls initiated by the person to whom the automatic call or recorded message is directed;
  - (b) Concern goods or services, or the availability of same which were previously ordered or purchased;
  - (c) Relate to collection of lawful debts;
  - (d) Are made by a public school as part of a program to regulate and control absenteeism of students;~~or~~
  - (e) Are reminders and notices of meetings and activities of organizations of which the person called is a member or a subscribed consumer of the services of the organization, or are made to a person with whom there is an existing business relationship; ***or***
  - (f) ***Are made to a publicly available telephone number which the business intends to be called by customers or potential customers, in relation to subject matter that is customary for such calls, including but not limited to inquiring about and booking reservations, inquiring about or initiating purchases, seeking information such as hours of operation, directions, merchandise availability, or other information provided to, or sought by, customers in the ordinary course of business. A person or company making calls under this paragraph shall not sell the name or personal information of any individual using its services. The person or company shall only disseminate the name and personal information of the individual for whom it is making the call during the actual call and only to the extent that such information would be disclosed by the individual if he or she were making the call on his or her own behalf.***

Signed by Governor March 30, 2020.

## CHAPTER 72

( HB 362 )

AN ACT relating to broadband deployment.

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

➔Section 1. KRS 224A.011 is amended to read as follows:

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

- (1) "Administrative fee" means a fee assessed and collected by the authority from borrowers ***and applicants*** under assistance agreements, to be used for operational expenses of the authority;
- (2) "Applicable interest rate" means the rate of interest which shall be used as part of the repayment criteria for an assistance agreement between a governmental agency and the authority, and shall be determined by the authority pertinent to the source of funds from which the assistance agreement is funded;
- (3) ***"Applicant" means a governmental agency or private sector entity that has submitted an application to the authority for a grant from the broadband deployment fund;***
- (4) ***"Application" means an application submitted by an applicant for a grant from the broadband deployment fund;***
- (5) "Assistance agreement" means the agreement to be made and entered into by and between a governmental agency ***or a private entity*** and the authority, as authorized by this chapter, providing for a lease, loan, services,

or grant to ~~a~~~~the~~ governmental agency *or a private entity* or for the purchase of obligations issued by the governmental agency, and for the repayment thereof to the authority by the governmental agency *or a private entity*;

- (6)~~(4)~~ "Authority" means the Kentucky Infrastructure Authority, which is created by this chapter;
- (7)~~(5)~~ "Authority revenues" means the totality of all:
  - (a) Service charges;
  - (b) Utility tax receipts, to the extent not otherwise committed and budgeted by the authority during any fiscal period of the authority;
  - (c) Any gifts, grants, or loans received, to the extent not otherwise required to be applied;
  - (d) Any and all appropriations made to the authority by the General Assembly of the Commonwealth of Kentucky, to the extent not otherwise required to be applied;
  - (e) All moneys received in repayment of and for interest on any loans made by the authority to a governmental agency, except as provided in KRS 224A.111, 224A.1115, and 224A.112, or as principal of and interest on any obligations issued by a governmental agency and purchased by the authority, or as receipts under any assistance agreement;
  - (f) The proceeds of bonds or long-term debt obligations of governmental agencies pledged to the payment of bond anticipation notes issued by the authority on behalf of the said governmental agency to provide interim construction financing; and
  - (g) Payments under agreements with any agencies of the state and federal government;
- (8)~~(6)~~ "Borrower or borrowing entity" means any agency of the state or its political subdivisions, any city, or any special district created under the laws of the state acting individually or jointly under interagency or interlocal cooperative agreements to enter into assistance agreements with the authority;
- (9)~~(7)~~ *"Broadband" means any wireline or fixed terrestrial technology having a capacity to transmit data from or to the Internet with a minimum speed of twenty-five (25) megabits per second downstream and three (3) megabits per second upstream as defined by the Federal Communications Commission or the United States Department of Agriculture and any amendments to those definitions. If the agencies use different speed definitions, the faster speed definition shall apply to Sections 2 to 4 of this Act;*
- (10) *"Broadband deployment fund" means a fund to assist with the construction, development, or improvement of broadband infrastructure, broadband services, or technologies that constitute a part of, or are related to, broadband infrastructure or broadband services, to provide for broadband service in underserved or unserved areas of the Commonwealth;*
- (11) *"Broadband deployment project" means a proposed deployment of broadband service infrastructure set forth in an application for grant funding under Section 3 of this Act;*
- (12) *"Broadband deployment project area" means a geographic area determined by census block or shapefile geospatial data for which grant funding has been authorized under Sections 1 to 4 of this Act;*
- (13) *"Census block" means the smallest geographic unit used by the United States Census Bureau that is reported on the Federal Communications Commission (FCC) Form 477 relating to fixed broadband deployment data;*
- (14) "Community flood damage abatement project" means any structural or nonstructural study, plan, design, construction, development, improvement, or other activity to provide for flood control;
- (15)~~(8)~~ "Construction" means and includes but is not limited to:
  - (a) Preliminary planning to determine the economic and engineering feasibility of infrastructure projects, the engineering, architectural, legal, fiscal, and economic investigations, and studies necessary thereto, and surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the construction of infrastructure or solid waste projects;
  - (b) The erection, building, acquisition, alteration, remodeling, improvement, or extension of infrastructure or solid waste projects; and
  - (c) The inspection and supervision of the construction of infrastructure or solid waste projects and all costs incidental to the acquisition and financing of same. This term shall also relate to and mean any other

physical devices or appurtenances in connection with, or reasonably attendant to, infrastructure or solid waste projects;

- ~~(16)(9)~~ "Dams" means any artificial barrier, including appurtenant works, which does or can impound or divert water, and which either:
- (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the Energy and Environment Cabinet; or
  - (b) Has or will have an impounding capacity at maximum water storage elevation of fifty (50) acre feet or more;
- ~~(17)(10)~~ "Distribution facilities" means all or any part of any facilities, devices, and systems used and useful in obtaining, pumping, storing, treating, and distributing water for agricultural, industrial, commercial, recreational, public, and domestic use;
- ~~(18)(11)~~ "Energy and Environment Cabinet" means the Kentucky Energy and Environment Cabinet, or its successor, said term being meant to relate specifically to the state agency which is designated as the water pollution agency for the Commonwealth of Kentucky, for purposes of the federal act;
- ~~(19)(12)~~ "Federal act" means the Federal Clean Water Act (33 U.S.C. secs. 1251 et seq.) as said federal act may be amended from time to time in the future, or any other enactment of the United States Congress providing funds that may assist in carrying out the purposes of the authority;
- ~~(20)(13)~~ "Federally assisted wastewater revolving fund" means that fund which will receive federal and state funds or the proceeds from the sale of revenue bonds of the authority for the purpose of providing loans to finance construction of publicly owned treatment works as defined in Section 212 of the federal act and for the implementation of a management program established under Section 319 of the federal act and for the development and implementation of a conservation and management plan under Section 320 of the federal act;
- ~~(21)(14)~~ "Governmental agency" means any incorporated city or municipal corporation, or other agency, or unit of government within or a department or a cabinet of the Commonwealth of Kentucky, now having or hereafter granted, the authority and power to finance, acquire, construct, or operate infrastructure or solid waste projects. This definition shall specifically apply but not by way of limitation to incorporated cities; counties, including any counties containing a metropolitan sewer district; sanitation districts; water districts; water associations if these associations are permitted to issue interest-bearing obligations which interest would be excludable from gross income under Section 103 of the Internal Revenue Code of 1986 as amended; sewer construction districts; metropolitan sewer districts; sanitation taxing districts; a regional wastewater commission established under KRS 65.8901 to 65.8923; and any other agencies, commissions, districts, or authorities (either acting alone, or in combination with one another in accordance with any regional or area compact, or intergovernmental cooperative agreements), now or hereafter established in accordance with the laws of the Commonwealth of Kentucky having and possessing the described powers described in this subsection;
- ~~(22)(15)~~ "Industrial waste" means any liquid, gaseous, or solid waste substances resulting from any process of industry, manufacture, trade, or business, or from the mining or taking, development, processing, or recovery of any natural resources, including heat and radioactivity, together with any sewage as is present therein, which pollutes the waters of the state, and specifically, but not by way of limitation, means heat or thermal differentials created in the waters of the state by any industrial processing, generating, or manufacturing processes;
- ~~(23)(16)~~ "Infrastructure project" means any construction or acquisition of treatment works, facilities related to the collection, transportation, and treatment of wastewater as defined in KRS 65.8903, distribution facilities, or water resources projects instituted by a governmental agency or an investor-owned water utility which is approved by the authority and, if required, by the Energy and Environment Cabinet, Public Service Commission, or other agency; solid waste projects; dams; storm water control and treatment systems; gas or electric utility; broadband deployment project; or any other public utility or public service project which the authority finds would assist in carrying out the purposes set out in KRS 224A.300;
- ~~(24)(17)~~ "Infrastructure revolving fund" means that fund which will receive state funds, the proceeds from the sale of revenue bonds of the authority or other moneys earmarked for that fund for the purpose of providing loans or grants to finance construction or acquisition of infrastructure projects as defined in this section;



- (25)~~(18)~~ "Loan or grant" means moneys to be made available to governmental agencies by the authority for the purpose of defraying all or any part of the total costs incidental to construction or acquisition of any infrastructure project;
- (26)~~(19)~~ "Market interest rate" means the interest rate determined by the authority under existing market conditions at the time the authority shall provide financial assistance to a governmental agency;
- (27)~~(20)~~ "Obligation of a governmental agency" means a revenue bond, bond anticipation note, revenue anticipation note, lease, or other obligation issued by a governmental agency under KRS 58.010 et seq. or other applicable statutes;
- (28)~~(21)~~ "Person" means any individual, firm, partnership, association, corporation, or governmental agency;
- (29)~~(22)~~ "Pollution" means the placing of any noxious or deleterious substances ("pollutants"), including sewage and industrial wastes, in any waters of the state or affecting the properties of any waters of the state in a manner which renders the waters harmful or inimical to the public health or to animal or aquatic life, or to the use, present or future, of these waters for domestic water supply, industrial or agricultural purposes, or recreational purposes;
- (30)~~(23)~~ "Prioritization schedules" means the list of wastewater treatment works, distribution facilities and water resources projects which the Energy and Environment Cabinet has evaluated and determined to be of priority for receiving financial assistance from the federally assisted wastewater revolving fund and the federally assisted drinking water revolving fund, or the list of infrastructure projects which the authority has evaluated and determined to be of priority for receiving financial aid from the infrastructure revolving fund. The evaluation by the authority of infrastructure projects for water systems shall be undertaken with input from the appropriate area development district~~. The evaluation by the authority of infrastructure for broadband deployment projects shall be undertaken with consideration given to input from area development districts, telecommunications businesses, information services, technology industries, governmental entities, and Kentucky-based nonprofit organizations, including ConnectKentucky~~;
- ~~(24) "Solid waste project" means construction, renovation, or acquisition of a solid waste facility which shall be instituted and owned by a governmental agency;~~
- (31)~~(25)~~ "Recovered material" means those materials which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis;
- (32)~~(26)~~ "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material but does not mean a solid waste facility if solid waste generated by a recovered material processing facility is managed in accordance with KRS Chapter 224 and administrative regulations adopted by the cabinet;
- (33)~~(27)~~ "Revenue bonds" means special obligation bonds issued by the authority as provided by the provisions of this chapter, which are not direct or general obligations of the state, and which are payable only from a pledge of, and lien upon, authority revenues as provided in the resolution authorizing the issuance of the bonds, and shall include revenue bond anticipation notes;
- (34)~~(28)~~ "Service charge" means any monthly, quarterly, semiannual, or annual charge to be imposed by a governmental agency, or by the authority, for any infrastructure project financed by the authority, which service charge arises by reason of the existence of, and requirements of, any assistance agreement;
- (35)~~(29)~~ "Sewage" means any of the waste products or excrements, or other discharges from the bodies of human beings or animals, which pollute the waters of the state;
- (36) ***"Shapefile" means a file format for storing, depicting, and analyzing geospatial data showing broadband coverage;***
- (37)~~(30)~~ "Solid waste" means "solid waste" as defined by KRS 224.1-010(30)(a);
- (38)~~(31)~~ "Solid waste facility" means any facility for collection, handling, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether the facility is associated with facilities generating the

waste or otherwise, but does not include a container located on property where the waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility;

- (39) ***"Solid waste project" means construction, renovation, or acquisition of a solid waste facility which shall be instituted and owned by a governmental agency;***
- ~~(40)(32)~~ "Solid waste revolving fund" means that fund which shall receive state funds, the proceeds from the sale of revenue bonds of the authority, or other moneys earmarked for the purpose of providing loans or grants to finance solid waste projects defined in this section;
- ~~(41)(33)~~ "State" means the Commonwealth of Kentucky;
- ~~(42)(34)~~ "System" means the system owned and operated by a governmental agency with respect to solid waste projects, treatment works, or infrastructure projects financed as provided by the assistance agreement between the governmental agency and the authority;
- ~~(43)(35)~~ "Treatment works" or "wastewater treatment works" means all or any part of any facilities, devices, and systems used and useful in the storage, treatment, recycling, and reclamation of wastewater or the abatement of pollution, including facilities for the treatment, neutralization, disposal of, stabilization, collecting, segregating, or holding of wastewater, including without limiting the generality of the foregoing, intercepting sewers, outfall sewers, pumping power stations, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, and any wastewater treatment works, including site acquisition of the land that will be an integral part of the wastewater treatment process, or is used for ultimate disposal of residues resulting from wastewater treatment, together with any other facilities which are deemed to be treatment works in accordance with the federal act;
- (44) ***"Underserved area" means any project area where fixed, terrestrial broadband service with a minimum twenty-five (25) megabits per second downstream and three (3) megabits per second upstream is not available;***
- (45) ***"Unserved area" means any project area where fixed, terrestrial broadband service with a minimum ten (10) megabits per second downstream and one (1) megabit per second upstream is not available;***
- (46) ***"Utility tax" means the tax which may be imposed by the authority on every purchase of water or sewer service in the Commonwealth of Kentucky;***
- ~~(47)(36)~~ "Variable rate revenue bonds" means revenue bonds the rate of interest on which fluctuates either automatically by reference to a predetermined formula or index or in accordance with the standards set forth in KRS 224A.120;
- ~~(48)(37)~~ "Wastewater" means any water or liquid substance containing sewage, industrial waste, or other pollutants or contaminants derived from the prior use of these waters;
- ~~(49)(38)~~ "Water resources" means all waters of the state occurring on the surface, in natural or artificial channels, lakes, reservoirs, or impoundments, and in subsurface aquifers, which are available, or which may be made available to agricultural, industrial, commercial, recreational, public, and domestic users;
- ~~(50)(39)~~ "Water resources project" means any structural or nonstructural study, plan, design, construction, development, improvement, or any other activity including programs for management, intended to conserve and develop the water resources of the state and shall include all aspects of water supply, facilities to collect, transport, and treat wastewater as defined in KRS 65.8903, flood damage abatement, navigation, water-related recreation, and land conservation facilities and measures; ***and***
- ~~(51)(40)~~ "Waters of the state" means all streams, lakes, watercourses, waterways, ponds, marshes, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural, surface, or underground waters;
- ~~(41) "Utility tax" means the tax which may be imposed by the authority on every purchase of water or sewer service in the Commonwealth of Kentucky;~~
- ~~(42) "Broadband deployment project" means the construction, provision, development, operation, maintenance, leasing, or improvement of broadband infrastructure, broadband services, or technologies that constitute a part~~

~~of, or are related to, broadband infrastructure or broadband services, to provide for broadband service in unserved areas of the Commonwealth; and~~

~~(43) "Unserved area" means any place where broadband service is not available.~~

➔Section 2. KRS 224A.110 is amended to read as follows:

- (1) All moneys derived by the authority pursuant to assistance agreements other than those assistance agreements funded under KRS 224A.111,~~and~~ 224A.112, **and Section 4 of this Act** shall be received by the authority as constituting authority revenues, and shall, in common with other authority revenues, be immediately deposited into such funds or accounts as the authority shall designate.
- (2) Moneys derived by the authority pursuant to assistance agreements funded under KRS 224A.111 and all federal and state money or proceeds from the sale of revenue bonds of the authority received in support of assistance agreements funded under KRS 224A.111 shall be deposited into an account designated as the "federally assisted wastewater revolving fund."
- (3) Moneys derived by the authority pursuant to assistance agreements funded under KRS 224A.112 and all state money or proceeds from the sale of revenue bonds of the authority received in support of KRS 224A.112 shall be deposited into **either the "infrastructure revolving fund" or the "broadband deployment fund"**~~an account designated as the "infrastructure revolving fund".~~
- (4) All authority revenues shall, before being expended for any other purposes of the authority, first be applied to the payment of the principal of and interest on authority revenue bonds in accordance with the resolution authorizing their issuance, as, and when the same become due and payable.

➔Section 3. KRS 224A.112 is amended to read as follows:

- (1) The infrastructure revolving fund shall be established in the State Treasury and shall be administered by the authority. ***The fund shall be a dedicated fund, and all moneys in the fund shall be allocated and dedicated solely to providing financial assistance to governmental agencies, and investor-owned water systems as provided for in KRS 96.540, 224A.306, 224A.308, and 224A.310, for the construction or acquisition of infrastructure projects through an account designated as the 2020 water service account.***
- (2) ***The broadband deployment fund shall be established in the State Treasury and shall be administered by the authority. The fund shall be a dedicated fund, and all moneys in the fund shall be allocated and dedicated solely to providing grant funds to governmental agencies and private sector entities to construct infrastructure for the deployment of broadband service to households and businesses in underserved or unserved areas of the Commonwealth through an account designated as the broadband deployment fund***~~The fund shall be a dedicated fund, and all moneys in the fund shall be dedicated solely to providing financial assistance to governmental agencies, and investor owned water systems as provided for in KRS 96.540, 224A.306, 224A.308, and 224A.310, for the construction or acquisition of infrastructure projects. The fund shall contain an account called the 2020 water service account. The 2020 water service account shall be managed by the authority as set out in this chapter. The fund shall contain an account called the broadband deployment account, which shall be managed by the authority and for the purposes set forth in KRS 224A.1121].~~
- (3) ***Funds in subsections (1) and (2) of this section shall not be commingled and shall be used only for the stated purposes in subsections (1) and (2) of this section.***
- (4) The financial assistance which may be provided ~~to governmental agencies~~ by the revolving fund shall be limited to:
  - (a) Making loans, on the condition that the loans are made at or below market interest rates, including interest free loans, at terms not to exceed thirty (30) years and that the fund will be credited with all payments of principal and interest on all loans;
  - (b) Purchasing or guaranteeing, or purchasing insurance for, local or state obligations when the action would improve credit market access or reduce interest rates;
  - (c) Providing a source of revenue or security for the payment of principal and interest on bonds or notes issued by the authority or other agencies of the state if the proceeds of the sale of the bonds will be deposited in the fund;
  - (d) Providing moneys with which to carry out the requirements of assistance agreements; and

- (e) Making grants as funds specifically appropriated for grants or proceeds from the sale of the authority's revenue bonds are available.
- (5){(4)} The revolving fund shall be established, maintained, and credited with repayments and the fund balance shall be available in perpetuity for its stated purposes.
- (6){(5)} The authority may provide financial assistance from the fund to supplement assistance provided from the federally assisted wastewater revolving fund as created in KRS 224A.111.
- (7){(6)} The authority shall advise governmental agencies of the availability of the infrastructure revolving fund and how moneys may be obtained from the fund.
- (8){(7)} The authority may enter into any necessary or required agreement with federal or state agencies or persons to carry out the provisions of this section. All state agencies shall cooperate with the authority and share information with the authority as appropriate to accomplish the purposes set out in KRS 224A.300.
- (9) *Moneys in the fund are hereby appropriated for the purposes set forth in Sections 3 and 4 of this Act.*
- (10) *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 into the succeeding fiscal year to be used for the purposes set forth in Sections 3 and 4 of this Act.*
- (11) *Interest earned on moneys in the broadband deployment fund shall stay in the fund.*

➔Section 4. KRS 224A.1121 is amended to read as follows:

- (1) The purpose of the broadband deployment ~~fund~~~~account~~ set forth in KRS 224A.112 shall be to assist ~~governmental agencies~~~~governments~~ and private sector entities to construct infrastructure for the deployment of broadband service to *underserved or* unserved areas of the Commonwealth. The authority shall manage the ~~fund~~~~account~~ and may accept and receive appropriations from the General Assembly or other funds or gifts from both public and private sources, including but not limited to local governments and federal agencies.
- (2) The authority shall establish *a grant*~~an incentive~~ program that allocates funds from the broadband deployment ~~fund~~~~account~~ in accordance with this section. *Grant funds*~~Incentives~~ may be used by government or private sector entities for broadband deployment projects.
- (3) The ~~grant~~~~incentive~~ program shall be developed to give highest funding priority to those projects which most effectively provide broadband service to the greatest number of *underserved and* unserved Kentucky citizens and at the lowest cost. Funding shall not be used ~~{for projects with an intent} to duplicate~~~~deploy~~ broadband service to *citizens, households, and businesses in a broadband deployment project area*~~areas~~ where *fixed, terrestrial* broadband service *meets or exceeds twenty-five (25) megabits per second downstream and three (3) megabits per second upstream*~~already exists; however, the authority may consider funding for projects that, in providing broadband service for an unserved area, create an overlap in existing broadband coverage for less than twenty percent (20%) of households in the proposed coverage area~~.
- (4) The authority shall develop funding criteria and prioritization schedules for broadband deployment projects *in a technology-neutral manner* in accordance with this section~~{and with consideration given to recommendations submitted by area development districts, telecommunications businesses, information services, technology industries, governmental entities, and by Kentucky-based nonprofit organizations, including ConnectKentucky}~~.
- (5) *The authority shall establish guidelines and standards for applying for and approving grants from the broadband deployment fund. An eligible applicant shall submit an application to the authority. An application for a grant shall contain any information the authority requires, including but not limited to:*
  - (a) *A geographic description of the broadband deployment project area, including whether the area is partially served;*
  - (b) *A description of the broadband deployment project, including facilities, equipment, total cost, timeframe for completion, and network capabilities, including minimum speed thresholds;*
  - (c) *Documentation of the applicant's technical, financial, and managerial resources and experience to build, operate, and manage broadband serving citizens, households, and businesses in Kentucky;*
  - (d) *Documentation of the economic and commercial feasibility of the proposed broadband deployment project;*

- (e) *The number of citizens, households, or businesses that would have new access to broadband as a result of the grant;*
- (f) *The amount of matching funds the eligible applicant will contribute and a certification that no portion of the matching funds is derived from any state or federal grant received for the purpose of funding broadband infrastructure within the project area; and*
- (g) *A certification that none of the funds provided by the program for the project in the application will be used to extend or deploy facilities to any currently served citizen, households, or businesses.*
- (6) *The authority shall make the applications available to the public within five (5) business days of the deadline for submission of applications, provided the information contained within an application is not exempt from disclosure under the provisions of the Open Records Act, KRS 61.870 to 61.884. The description of the geographic scope of the broadband deployment project area shall not be exempt under the Open Records Act, KRS 61.870 to 61.884, and shall be made available to the public within five (5) days after submission of the application.*
- (7) *As part of the grant application process, pursuant to subsection (3) of this section, the authority shall include an opportunity for a broadband service provider to challenge the application. As part of the dispute process, the authority may consider any relevant geospatial data available from a broadband service provider or grant applicant. Geospatial data may include but is not limited to shapefiles detailing broadband coverage, the most current Federal Communications Commission Form 477 fixed broadband deployment data reporting, or other documentation of broadband deployment infrastructure in the project area to show that a challenged project area is underserved or unserved. A challenging provider may provide the authority with proof, including but not limited to:*
  - (a) *The broadband deployment project area is currently served or is under construction for provision of broadband service within twelve (12) months of the challenge; or*
  - (b) *The applicant has received funds from another state or federally funded grant program designed to encourage broadband deployment in the area.*
- (8) *Upon a determination that an application meets the funding criteria, but the proposed project area is found to be partially served, the authority may amend the application and grant partial funding based on the partial service provided in order to ensure that grant funds are used to only provide broadband service to citizens, households, or businesses deemed underserved or unserved.*
- (9) *No funds shall be used to support any broadband deployment project involving the upgrade of an existing facility or for non-capital expenses, non-broadband services, marketing, or advertising. The broadband deployment project area shall be described by census block including the specific addresses to be serviced or by shapefile geospatial data.*
- (10) *Grant applicants shall pay a minimum of fifty percent (50%) of the project cost which shall not include any matching funds received from federal or state government grants for broadband deployment in the project area.*
- (11) *Moneys in this fund shall not be used by or transferred to the Kentucky Communications Network Authority.*
- (12) *To carry out the purposes of this section, the authority shall promulgate administration regulations in accordance with KRS Chapter 13A. Within one hundred eighty (180) days of the effective date of this Act, the authority shall promulgate regulations to implement the provisions of Sections 1 to 4 of this Act and govern the submission, review, and approval of applications and the administration of broadband deployment projects. The authority shall not promulgate any regulations that place obligations on the applicants that are more restrictive than applicable federal or state law. Except as otherwise provided in this section, all of the authority's records relating to the broadband deployment fund shall be deemed confidential unless disclosure is required under the provisions of the Open Records Act, KRS 61.870 to 61.884.*
- ~~((6) Projects receiving funding as provided by this section shall be completed within twelve (12) months of receiving the funds.]~~

Signed by Governor March 30, 2020.

**CHAPTER 73****( SB 150 )**

AN ACT relating to the state of emergency in response to COVID-19 and declaring an emergency.

WHEREAS, the General Assembly recognizes the efforts of the Executive Branch to address the state of emergency in the Commonwealth declared by Executive Order 2020-215 due to the outbreak of COVID-19 virus, a public health emergency;

WHEREAS, the General Assembly recognizes that the Executive Branch is without legal authority to create statutory law, modify statutory law, or otherwise create policy on behalf of the citizens of the Commonwealth;

WHEREAS, the Kentucky Constitution vests the General Assembly with the exclusive power to create statutory law, modify statutory law, or otherwise create policy on behalf of the citizens of the Commonwealth;

WHEREAS, within existing constraints of time and personnel the General Assembly has acted upon certain matters of initial priority and the actions herein are not statements of approval or disapproval relative to any executive order or action;

NOW, THEREFORE, the General Assembly offers the following supportive statutory measures:

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

➔Section 1. Notwithstanding any state law to the contrary, during the state of emergency declared by the Governor in response to COVID-19 on March 6, 2020, by Executive Order 2020-215:

(1) (a) If persons or entities have been ordered by the Governor to close or alter the businesses for which those persons or entities have been licensed under Kentucky law, the Governor may direct any administrative body, as defined by KRS 13A.010, to suspend or waive the collection of the following for those persons or entities:

1. Licensing fees;
2. Renewal fees;
3. Application fees;
4. Forms, applications, and other administrative requirements; and
5. Other fees or administrative obligations that may be specified by the Governor;

where those fees or administrative obligations are required to engage in a business licensed by the Commonwealth.

(b) If the Governor does not direct any applicable administrative body of a person or entity referred to in paragraph (a) of this subsection to waive or suspend the collection of fees or administrative burdens, the administrative body may waive or suspend the fees or administrative obligations required to engage in the business regulated by that administrative body.

(c) Fees or administrative obligations suspended under paragraph (a) or (b) of this subsection may be suspended throughout the course of the state of emergency.

(d) Licensees may continue to practice their business without interruption, and shall be granted at least thirty (30) days after the expiration of the state of emergency to pay any owed fee or complete any administrative obligation before an action may be taken against their license.

(e) The Governor shall consider using any federal grants, moneys, or other funding received as a result of the state or federal emergency declared in response to COVID-19 to make any administrative body whole due to a suspension or waiver granted under this subsection;

(2) (a) The Governor may waive or suspend the provisions of KRS Chapter 341 and KAR Title 787 necessary to protect workers affected by the Executive Orders issued during the state of emergency, specifically the provisions of:

1. KRS 341.350 and KAR Title 787 regarding standards for ability to work, availability to work, work-search activities, and suitable work in the context of COVID-19;

2. KRS 341.350(2) regarding the seven-day waiting period prior to becoming eligible for unemployment insurance benefits;

3. KRS 341.090 to adopt an alternative base period to determine if an unemployed worker who is unemployed as a result of COVID-19 or due to restrictions imposed by Executive Orders issued during the state of emergency has earned enough wages to qualify for unemployment insurance benefits;

4. KRS 341.270 to indicate that the reserve ratio of businesses with 100 employees or less shall not be impacted as a result of layoffs of employees due to restrictions imposed by Executive Orders issued during the state of emergency;

5. Notwithstanding the provisions in KRS 341.050 and KRS 341.055, to expand coverage to the self-insured, self-employed, and those employees otherwise not covered by unemployment insurance who have suffered job loss due to COVID-19;

6. KRS Chapter 341 to allow employees who have not been terminated or separated from employment but have experienced a reduction in work hours of more than 10 percent but less than 60 percent with no reduction in hourly rate, or the equivalent thereto, to be eligible for unemployment benefits to compensate the employee for the temporary loss of income; and

7. KRS 341.250 and KRS 341.260 to allow the Governor to delay the date in which contributions by employers shall be due and payable. Such delay shall not result in the imposition of any penalties or interest against an employer.

(b) The Education and Workforce Development Cabinet shall seek eligible waivers, reimbursement, or other assistance as necessary from the federal government, in addition to employer contributions per KRS 341.250, and shall have the discretion to use other resources to reimburse the unemployment insurance trust fund as needed when funds become available in order to provide benefits to as many people as practicable and maintain the integrity of the unemployment insurance trust fund.

(c) The Governor shall have additional flexibility to provide administrative directives to the Education and Workforce Development Cabinet for unemployment insurance based on guidance provided by the United States Department of Labor;

(3) The Department of Revenue shall adhere to any declarations or changes in tax filing and payment requirements provided by the U.S. Treasury Department or the Internal Revenue Service and provide the same to taxpayers for comparable tax filing and payment requirements under Kentucky law, including an extension of time to file a return or report and an extension of time to pay any tax due with that return or report, without the imposition of penalty under KRS 131.180, 141.044, 141.305, or 141.990 on that extended payment, and notwithstanding KRS 131.175 and 141.170, without the imposition of interest under KRS 131.183 or 141.985;

(4) Unless specifically prohibited or limited by federal law, a health care provider who establishes a provider-patient relationship, regardless of whether or not the telehealth provider has previously conducted an in-person examination or consultation or is conducting a new patient examination or consultation, with a patient in this state may remotely provide health care services to a patient through the use of telemedicine at an appropriate site for both the provider and patient and in compliance with HIPAA. Such provider must have an active unencumbered license for a health care profession which is issued by another state, the District of Columbia, or a possession or territory of the United States and have never been subject to discipline by a licensing agency in any state or federal jurisdiction and never had their license or permit for controlled substances suspended or revoked. Such providers must register with the relevant state agency and only offer clinically appropriate, medically necessary services. An insurer, as defined under KRS 304.17A-005, shall provide coverage for such services that are rendered to insureds in this state and the reimbursement rates for the service shall not be more than for the same services delivered in-person as provided under KRS 304.17A-138 and shall be determined between insurers and providers;

(5) (a) A health care provider shall be considered to be in compliance with any Executive Orders and directives issued by the Cabinet for Health and Family Services related to elective procedures if the health care provider complies with recommendations from the United States Centers for Medicare and Medicaid Services on elective surgery and medical procedures and:

1. The health care provider, in his or her professional judgment, deems the procedure or service to be emergent or urgent; or

2. The procedure or service is ordered for a patient by a physician licensed by the Kentucky Board of Medical Licensure pursuant to KRS Chapter 311 and is provided by one of the following providers or facilities:

- a. Physical therapists licensed under KRS Chapter 327;
- b. Occupational therapists licensed under KRS Chapter 319A;
- c. Speech-language pathologists licensed under KRS Chapter 334A;
- d. Pain management facilities as defined in KRS 218A.175;
- e. Alcohol and drug abuse treatment programs licensed under KRS Chapter 222; and
- f. Substance use disorder programs licensed as "Chemical Dependency Treatment Services" pursuant to KRS 216B.042.

(b) A health care provider who in good faith renders care or treatment of a COVID-19 patient during the state of emergency shall have a defense to civil liability for ordinary negligence for any personal injury resulting from said care or treatment, or from any act or failure to act in providing or arranging further medical treatment, if the health care provider acts as an ordinary, reasonable, and prudent health care provider would have acted under the same or similar circumstances. The aforesaid defense under this paragraph shall include a health care provider who:

1. Prescribes or dispenses medicines for off-label use to attempt to combat the COVID-19 virus, in accordance with the federal Right to Try Act, United States Public Law 115-176, and KRS 217.5401 to 217.5408;
2. Provides health care services, upon the request of health care facilities or public health entities, that are outside of the provider's professional scope of practice; or
3. Utilizes equipment or supplies outside of the product's normal use for medical practice and the provision of health care services.

(c) As used in this subsection:

1. "Emergent" means any health care procedure or service that, were it not provided, is at high-risk of resulting in serious or irreparable harm to a patient if not provided within 24 hours; and
2. "Urgent" means any health care procedure or service that, were it not provided, is at high-risk of resulting in serious or irreparable harm to the patient if not provided within 24 hours to 30 days;

(6) Legally permitted food service establishments shall be exempt from state laws and administrative regulations prohibiting the sale of food items such as bread, milk, and other grocery staples to any customer. No permit or permit fee shall be required for such sales of food items;

(7) (a) A license holder with the privilege of selling alcoholic beverages by the drink at retail shall be permitted to sell alcoholic beverages by the drink in a covered or sealed container, and by the package in closed sealed original containers, on a delivery, to-go, or take-out basis in conjunction with food sales, as follows:

1. The sale of alcoholic beverages pursuant to this section must be incidental to the purchase of a meal and alcoholic beverages are not to be sold in bulk quantity;
2. Deliveries that include alcoholic beverages shall be made in a vehicle operated and owned by the licensee, the licensee's employee, or an independent contractor or agent;
3. Any person delivering alcoholic beverages must be at least 20 years of age;
4. Vehicles used for deliveries performed under this subsection are exempt from displaying the name and license number of the retail licensee selling the alcoholic beverages being delivered; and
5. No delivery shall be made to a minor under 21 years of age or to an intoxicated person.

(b) For purposes of this subsection, a covered or sealed container shall not be considered an open container.

(c) All licensees are prohibited from:

1. Shipping or delivering into dry territories; and
2. Completing sales in dry territories.

(d) The Department of Alcoholic Beverage Control may, but is not required to, promulgate an emergency administrative regulation that sets forth the:

1. Conditions under which sales may take place;
2. Days and times that sales may take place; and



3. Expected end date of the emergency conditions.

(e) Licensees holding licenses that expire on April 30, 2020, shall remain in effect for an additional 30 days and authorize alcoholic beverage sales until May 31, 2020, or as otherwise determined by the Department of Alcoholic Beverage Control. Licensees must submit license renewal applications to continue alcoholic beverages sales thereafter.

(f) Except as provided in this subsection, sales of alcoholic beverages shall be governed by all of the statutes and administrative regulations governing the retail sale of alcoholic beverages by the drink;

(8) (a) Notwithstanding KRS 61.872 and 61.880, a public agency shall respond to the request to inspect or receive copies of public records within 10 days of its receipt. A public agency may delay on-site inspection during the pendency of the state of emergency.

(b) Notwithstanding KRS 61.826, a public agency may conduct any meeting, including its regular meeting, by live audio or live video teleconference during the period of the state of emergency. A public agency acting under this paragraph shall:

1. Provide public notice, under subsections (3) to (5) of KRS 61.823, that the meeting is being conducted under this paragraph by live audio or video teleconference;

2. Conduct the meeting by:

a. Live video teleconference if the public agency has the technological capacity and availability to provide for live video teleconference; or

b. Live audio teleconference if the public agency does not have the technological capacity or availability to provide for a live video teleconference; and

3. Provide specific information on how any member of the public or media organization can access the meeting.

(c) Any person or provider providing court-ordered counseling or educational classes may conduct the counseling or classes by live audio or live video teleconference during the period of the state of emergency. A person or provider acting under this paragraph shall:

1. Provide notice to all appropriate parties that the counseling or educational classes are being conducted under this paragraph by live audio or video teleconference;

2. Conduct the meeting by:

a. Live video teleconference if the person or provider has the technological capacity and availability to provide for live video teleconference; or

b. Live audio teleconference if the person or provider does not have the technological capacity or availability to provide for a live video teleconference; and

3. Provide specific information on how the counseling or educational classes can be accessed;

(9) (a) Any deadlines provided by statute for any hearings required to be held, or any decisions to be made, by any local legislative body, board, or commission relating to land use, planning, or zoning pursuant to KRS Chapter 100 are hereby suspended and the time for action on any pending matter shall be tolled during the state of emergency. Nothing in this paragraph shall be construed to prohibit provisions for continued service to the public in the area of land use, planning, or zoning that complies with social distancing guidance provided by the CDC or the Kentucky Department for Public Health, as determined by the executive authority of the relevant local government.

(b) Any deadlines provided by statute for code enforcement proceedings or hearings arising from or related to KRS 65.8825 and KRS 65.8828 are hereby suspended and the time for action on any pending matter shall be tolled during the pendency of the state of emergency. Nothing in this paragraph shall be construed to prohibit continued service to the public in the area of code enforcement that complies with social distancing guidance provided by the CDC or the Kentucky Department for Public Health, as determined by the executive authority of the relevant local government.

(c) Nothing contained in paragraph (a) or (b) of this subsection is intended to prevent any action necessary for public safety from being taken.

(d) Notwithstanding KRS 67.750 to 67.795, a tax district may suspend or otherwise extend the applicable deadline for the filing of returns for taxable net profits or taxable gross receipts of businesses within the tax district during the pendency of the state of emergency;

(10) Any business in the Commonwealth that makes or provides personal protective equipment or personal hygiene supplies relative to COVID-19, such as masks, gowns, or sanitizer, during and in response to the state of emergency and that does not make or provide such products in the normal course of its business shall have a defense to ordinary negligence and product liability so long as the business has acted in good faith and in an ordinary, reasonable, and prudent manner under the same or similar circumstances;

(11) For purposes of complying with any law, rule, order, or other requirement relating to the receipt of testimony or signature from any party or witness, or the acknowledgement or notarization of any document, for any legal purpose:

(a) Individuals, whether acting for themselves or in a representative capacity, not in the same physical location shall be considered in the presence of one another if the individuals can communicate via a video teleconference in real time to the same extent as if they were physically present in the same location; and

(b) Any document resulting from a video teleconference conducted in accordance with paragraph (a) of this subsection may be executed, acknowledged, or notarized in counterparts, which together shall be considered a single document;

(12) (a) Employees of farm retail outlets and suppliers, agrochemical business, custom harvesters, and livestock feeders may, in the course of their employment, operate vehicles that would ordinarily require a Class B or C commercial driver's license, as defined in KRS 281A.170, without obtaining a limited commercial driver's license for farm-related service industries if the employee meets the eligibility requirements in Section 2(2) of 601 KAR 11:080, except an employee shall not be required to:

1. Have a current medical certificate as provided by 601 KAR 1:005; or
2. Pass the vision test for commercial drivers administered by the Kentucky State Police.

(b) Operation of commercial motor vehicles under this subsection shall be subject to the following restrictions:

1. If the employee's privilege to operate a motor vehicle is suspended or revoked, any limited commercial driving privilege granted under this subsection shall be terminated at the same time;
2. Operation under this subsection shall not include the operation of a Class A vehicle as defined in KRS 281A.170;
3. The authority granted under this subsection shall only be valid within 150 highway miles of the employing farm-related service industry; and
4. The authority granted under this subsection shall not be valid for those commercial drivers transporting hazardous materials as defined in 601 KAR 1:025, except the following:
  - a. 1,000 gallons or less of diesel fuel;
  - b. Anhydrous ammonia or other types of liquid fertilizer transported in a vehicle or implement of husbandry with a total capacity of 3,000 gallons or less; or
  - c. Solid fertilizer in any quantity; and

(13) The State Board of Medical Licensure, the Kentucky Board of Emergency Medical Services, and the Board of Nursing may waive or modify state statutes or administrative regulations relating to the respective professions over which each Board has jurisdiction:

(a) For licensure or certification requirements for health care providers who are licensed or certified in other states to provide services in Kentucky;

(b) To relax the scope of practice requirements to allow health care providers to practice in all settings of care;

(c) To allow physicians to supervise a greater number of other health care providers and to do so using remote or telephonic means;

(d) To allow for rapid certification or licensure and recertification or relicensure of health care providers;

(e) To allow medical students to conduct triage, diagnose, and treat patients under the supervision of licensed health care providers;

(f) For standards that are not necessary for the applicable standards of care to establish a patient-provider relationship, diagnose, and deliver treatment recommendations utilizing telehealth technologies; and

(g) To reactivate the licenses of inactive and retired health care providers, including emergency medical providers and nurses, to allow them to re-enter the healthcare workforce.

➔Section 2. In order to reduce burdens to hospitals and emergency services personnel, the General Assembly hereby declares that it supports the use of, and intends to appropriate, budgetary funds to support continued access to the KY COVID-19 Hotline that is operated by the healthcare professionals at the Kentucky Poison Control Center.

➔Section 3. Notwithstanding any state law to the contrary, the Governor shall declare, in writing, the date upon which the state of emergency in response to COVID-19, declared on March 6, 2020, by Executive Order 2020-215, has ceased. In the event no such declaration is made by the Governor on or before the first day of the next regular session of the General Assembly, the General Assembly may make the determination.

➔Section 4. Whereas the economic impact of the state of emergency in response to COVID-19 on Kentucky's citizens and small businesses is of the utmost importance, an emergency is declared to exist, and this Act takes effect immediately upon the passage of this Act and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor March 30, 2020.**

## CHAPTER 74

### ( SB 72 )

AN ACT relating to female genital mutilation and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section, "female genital mutilation" means a procedure that involves the partial or total removal of the external female genitalia or any procedure harmful to the female genitalia, including but not limited to:*

- (a) *A clitoridectomy;*
- (b) *The partial or total removal of the clitoris or the prepuce;*
- (c) *The excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;*
- (d) *The infibulation or the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning of the labia minora or the labia majora, with or without the excision of the clitoris;*
- (e) *Pricking, piercing, incising, scraping, or cauterizing the genital area; or*
- (f) *Any other action to purposely alter the structure or function of the female genitalia for a nonmedical reason.*

(2) *A person is guilty of female genital mutilation when:*

- (a) *The person knowingly performs female genital mutilation on another person under eighteen (18) years of age;*
- (b) *The person is a parent, guardian, or has immediate custody or control of a person under eighteen (18) years of age and knowingly consents to or permits female genital mutilation of such person; or*

- (c) *The person knowingly removes or causes or permits the removal of a person under eighteen (18) years of age from Kentucky for the purposes of performance of female genital mutilation of the person.*
- (3) *It is not a defense to female genital mutilation that the conduct under subsection (2) of this section is:*
  - (a) *Required as a matter of religion, custom, ritual, or standard practice; or*
  - (b) *Consented to by the individual on whom it is performed or the individual's parent or guardian.*
- (4) *A surgical procedure is not a violation of subsection (1) of this section if the procedure is:*
  - (a) *Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a health care provider; or*
  - (b) *Performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place of its performance as a health care provider.*
- (5) *Female genital mutilation is a Class B felony.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "female genital mutilation" has the same meaning as in Section 1 of this Act.*
- (2) *The Department for Public Health in the Cabinet for Health and Family Services shall:*
  - (a) *Develop and produce educational materials regarding female genital mutilation, the health risks and emotional trauma inflicted by the practice of female genital mutilation, and the criminal penalties for female genital mutilation; and*
  - (b) *Disseminate the educational material produced under paragraph (a) of this subsection to health care providers, teachers, law enforcement personnel, immigration and refugee resettlement agencies, and any other professionals or community entities who may reasonably be expected to come into contact with individuals who may be at risk of suffering female genital mutilation.*
- (3) *The department may consult or contract with nonprofit organizations to develop and produce the educational materials required by subsection (2) of this section.*

➔Section 3. 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;
  - (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; **and**
  - (g) ***Education on female genital mutilation as defined in Section 1 of this Act, including the risk factors associated with female genital mutilation, the criminal penalties for committing female genital mutilation, and the psychological and health effects on a victim of female genital mutilation.***
- (2) (a) The council shall develop and approve mandatory in-service training courses to be presented to all certified peace officers. The council may promulgate administrative regulations in accordance with KRS Chapter 13A setting forth the deadlines by which all certified peace officers shall attend the mandatory in-service training courses.
  - (b) Beginning January 1, 2017, the council shall establish a forty (40) hour sexual assault investigation training course. After January 1, 2019, agencies shall maintain officers on staff who have completed the forty (40) hour sexual assault investigation training course in accordance with the following:
    - 1. Agencies with more than ten (10) but fewer than twenty-one (21) full-time officers shall maintain one (1) officer who has completed the forty (40) hour sexual assault investigation training course;
    - 2. Agencies with twenty-one (21) or more but fewer than fifty-one (51) full-time officers shall maintain at least two (2) officers who have completed the forty (40) hour sexual assault investigation training course; and
    - 3. Agencies with fifty-one (51) or more full-time officers shall maintain at least four (4) officers who have completed the sexual assault investigation course.
  - (c) An agency shall not make an officer directly responsible for the investigation or processing of sexual assault offenses unless that officer has completed the forty (40) hour sexual assault investigation training course.
  - (d) The council may, upon application by any agency, grant an exemption from the training requirements set forth in paragraph (b) of this subsection if that agency, by limitations arising from its scope of authority, does not conduct sexual assault investigations.
  - (e) Any agency failing to comply with paragraph (b) or (c) of this subsection shall, from the date the noncompliance commences, have one (1) year to reestablish the minimum number of trained officers required.
  - (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 in-service training courses.

➔Section 4. KRS 311.595 is amended to read as follows:

If the power has not been transferred by statute to some other board, commission, or agency of this state, the board may deny an application or reregistration for a license; place a licensee on probation for a period not to exceed five (5) years; suspend a license for a period not to exceed five (5) years; limit or restrict a license for an indefinite period; or revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

- (1) Knowingly made or presented, or caused to be made or presented, any false, fraudulent, or forged statement, writing, certificate, diploma, or other thing, in connection with an application for a license or permit;
- (2) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy in connection with an examination for a license;
- (3) Committed, procured, or aided in the procurement of an unlawful abortion, including a partial-birth abortion or an abortion in violation of KRS 311.731;
- (4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky of a crime as defined in KRS 335B.010, if in accordance with KRS Chapter 335B;
- (5) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or been found by the board to have had sexual contact as defined in KRS 510.010(7) with a patient while the patient was under the care of the physician;

- (6) Become addicted to a controlled substance;
- (7) Become a chronic or persistent alcoholic;
- (8) Been unable or is unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition including but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills, or by reason of an extended absence from the active practice of medicine;
- (9) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof;
- (10) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any document executed in connection with the practice of his profession;
- (11) Employed, as a practitioner of medicine or osteopathy in the practice of his profession in this state, any person not duly licensed or otherwise aided, assisted, or abetted the unlawful practice of medicine or osteopathy or any other healing art;
- (12) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any medical practice act, including but not limited to the code of conduct promulgated by the board under KRS 311.601 or any other valid regulation of the board;
- (13) Violated any agreed order, letter of agreement, final order, or emergency order issued by the board;
- (14) Engaged in or attempted to engage in the practice of medicine or osteopathy under a false or assumed name, or impersonated another practitioner of a like, similar, or different name;
- (15) Obtained a fee or other thing of value on the fraudulent representation that a manifestly incurable condition could be cured;
- (16) Willfully violated a confidential communication;
- (17) Had his license to practice medicine or osteopathy in any other state, territory, or foreign nation revoked, suspended, restricted, or limited or has been subjected to other disciplinary action by the licensing authority thereof. This subsection shall not require relitigation of the disciplinary action;
- (18) Failed or refused, without legal justification, to practice medicine in a rural area of this state in violation of a valid medical scholarship loan contract with the trustees of the rural Kentucky medical scholarship fund;
- (19) Given or received, directly or indirectly, from any person, firm, or corporation, any fee, commission, rebate, or other form of compensation for sending, referring, or otherwise inducing a person to communicate with a person licensed under KRS 311.530 to 311.620 in his professional capacity or for any professional services not actually and personally rendered; provided, however, that nothing contained in this subsection shall prohibit persons holding valid and current licenses under KRS 311.530 to 311.620 from practicing medicine in partnership or association or in a professional service corporation authorized by KRS Chapter 274, as now or hereinafter amended, or from pooling, sharing, dividing, or apportioning the fees and moneys received by them or by the partnership, corporation, or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association. Nothing contained in this subsection shall abrogate the right of two (2) or more persons holding valid and current licenses under KRS 311.530 to 311.620 to receive adequate compensation for concurrently rendering professional care to a single patient and divide a fee, if the patient has full knowledge of this division and if the division is made in proportion to the services performed and responsibility assumed by each;
- (20) Been removed, suspended, expelled, or disciplined by any professional medical association or society when the action was based upon what the association or society found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provision of KRS Chapter 311. This subsection shall not require relitigation of the disciplinary action;
- (21) Been disciplined by a licensed hospital or medical staff of the hospital, including removal, suspension, limitation of hospital privileges, failing to renew privileges for cause, resignation of privileges under pressure or investigation, or other disciplinary action if the action was based upon what the hospital or medical staff found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provisions of KRS Chapter 311. This subsection shall not require relitigation of the disciplinary action;
- (22) Failed to comply with the requirements of KRS 213.101, 311.782, or 311.783 or failed to submit to the Vital Statistics Branch in accordance with a court order a complete report as described in KRS 213.101;

- (23) Failed to comply with any of the requirements regarding making or maintaining medical records or documents described in KRS 311.7704 or 311.7707;~~or~~
- (24) Failed to comply with the requirements of KRS 311.7705 or 311.7706; **or**
- (25) ***Been convicted of female genital mutilation under Section 1 of this Act, which shall result in mandatory revocation of a license.***

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 413 IS CREATED TO READ AS FOLLOWS:

- (1) ***A civil action for recovery of damages for injury or illness suffered as a result of female genital mutilation as defined in Section 1 of this Act shall be brought within ten (10) years:***
  - (a) ***Of the procedure being performed; or***
  - (b) ***After the victim attains the age of eighteen (18) years.***
- (2) ***The court may award actual, compensatory, and punitive damages, and any other appropriate relief.***
- (3) ***Treble damages may be awarded if the plaintiff proves the defendant's acts were willful and malicious.***

➔Section 6. 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 a substance use disorder 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;~~or~~
    - 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) cumulative months out of forty-eight (48) months; or
    - 10. ***Commits or allows female genital mutilation as defined in Section 1 of this Act to be committed; 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) "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) "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) "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) "Cabinet" means the Cabinet for Health and Family Services;
- (8) "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) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;
- (10) "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) "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) "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) "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) "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) "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) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;
- (17) "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) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- (19) "Department" means the Department for Community Based Services;
- (20) "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) "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) "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) "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) "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) "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) "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) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;
- (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child;
- (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- (30) "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;
- (31) "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;
- (32) "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;

- (33) "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;
- (34) "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;
- (35) "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;
- (36) "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;
- (37) "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;
- (38) "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;
- (39) "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;
- (40) "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;
- (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (43) "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;
- (44) "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;
- (45) "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, fictive kin home, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;
- (46) "Parent" means the biological or adoptive mother or father of a child;
- (47) "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;
- (48) "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;
- (49) "Physical injury" means substantial physical pain or any impairment of physical condition;
- (50) "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;
- (51) "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;
- (52) "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;
- (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; or
- (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:
  - 1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
  - 2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
  - 3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:
    - a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
    - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or
  - 4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:
    - a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
    - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company

engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;

- (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);
- (54) "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;
- (55) "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;
- (56) "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;
- (57) "School personnel" means those certified persons under the supervision of the local public or private education agency;
- (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- (59) "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;
- (60) "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;
- (61) "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;
- (62) "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;
- (63) "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;
- (64) "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;
- (65) (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;
- (66) "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;

- (67) "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;
- (68) "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;
- (69) "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;
- (70) "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;
- (71) "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
- (72) "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 7. KRS 620.030 is amended to read as follows:

- (1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or to the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or the county attorney by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Department of Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report.
- (2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer, or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, regardless of whether the person believed to have caused the dependency, neglect, or abuse is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, person exercising custodial control or supervision, or another person, or who has attended such child as a part of his or her professional duties shall, if requested, in addition to the report required in subsection (1) or (3) of this section, file with the local law enforcement agency or the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or county attorney within forty-eight (48) hours of the original report a written report containing:
  - (a) The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision;
  - (b) The child's age;
  - (c) The nature and extent of the child's alleged dependency, neglect, or abuse, including any previous charges of dependency, neglect, or abuse, to this child or his or her siblings;
  - (d) The name and address of the person allegedly responsible for the abuse or neglect; and

- (e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.
- (3) Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking as defined in KRS 529.010 shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; or the cabinet or its designated representative; or the Commonwealth's attorney or the county attorney; by telephone or otherwise. This subsection shall apply regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision.
- (4) *Any person who knows or has reasonable cause to believe that a child is a victim of female genital mutilation as defined in Section 1 of this Act shall immediately cause an oral or written report to be made by telephone or otherwise to:*
  - (a) *A local law enforcement agency or the Department of Kentucky State Police;*
  - (b) *The cabinet or its designated representative; or*
  - (c) *The Commonwealth's attorney or the county attorney.*

*This subsection shall apply regardless of whether the person believed to have caused the female genital mutilation of the child is a parent, guardian, or person exercising custodial control or supervision.*
- (5)~~(4)~~ 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.
- (6)~~(5)~~ The cabinet upon request shall receive from any agency of the state or any other agency, institution, or facility providing services to the child or his or her family, such cooperation, assistance, and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.
- (7)~~(6)~~ Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.
- (8)~~(7)~~ Any person who intentionally violates the provisions of this section shall be guilty of a:
  - (a) Class B misdemeanor for the first offense;
  - (b) Class A misdemeanor for the second offense; and
  - (c) Class D felony for each subsequent offense.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

*By November 1 of each year, beginning in 2021, the Cabinet for Health and Family Services shall submit to the Legislative Research Commission a comprehensive report that does not identify individuals, detailing the number of reports the cabinet has received regarding female genital mutilation as defined in Section 1 of this Act, the number of reports in which the cabinet has investigated and determined that a child is the victim of female genital mutilation, and the number of cases in which services were provided.*

➔Section 9. Whereas female genital mutilation is a public health and human rights concern of great magnitude, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor April 2, 2020.**

**CHAPTER 75**

**( HB 2 )**

AN ACT relating to human trafficking and making an appropriation therefor.

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

➔Section 1. KRS 17.500 is amended to read as follows:

As used in KRS 17.500 to 17.580:

- (1) "Approved provider" means a mental health professional licensed or certified in Kentucky whose scope of practice includes providing mental health treatment services and who is approved by the Sex Offender Risk Assessment Advisory Board, under administrative regulations promulgated by the board, to provide comprehensive sex offender presentence evaluations or treatment to adults and youthful offenders, as defined in KRS 600.020;
- (2) "Cabinet" means the Justice and Public Safety Cabinet;
- (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:
  1. Kidnapping, as set forth in KRS 509.040, except by a parent;
  2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;
  3. Sex crime;
  4. Promoting a sexual performance of a minor, as set forth in KRS 531.320;
  5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;
  6. Promoting human trafficking involving commercial sexual activity, as set forth in KRS 529.110;
  7. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);
  8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
  9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
  10. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);
  11. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;
  12. Any attempt to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph;
  13. Solicitation to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph; or
  14. Any offense from another state or territory, any federal offense, or any offense subject to a court martial of the United States Armed Forces, which is similar to any of the offenses described in subparagraphs 1. to 13. of this paragraph.
- (b) Conduct which is criminal only because of the age of the victim shall not be considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense;
- (4) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, state, county, urban-county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal federal or state laws;
- (5) "Registrant" means:
  - (a) Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:
    1. A sex crime; or
    2. A criminal offense against a victim who is a minor; or
  - (b) Any person required to register under KRS 17.510; or
  - (c) Any sexually violent predator; or

- (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed;
- (6) "Registrant information" means the name, including any lawful name change together with the previous name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, palm prints, DNA sample, a photograph, aliases used, residence, motor vehicle operator's license number as well as any other government-issued identification card numbers, if any, a brief description of the crime or crimes committed, and other information the cabinet determines, by administrative regulation, may be useful in the identification of registrants;
- (7) "Residence" means any place where a person sleeps. For the purposes of this statute, a registrant may have more than one (1) residence. A registrant is required to register each residence address;
- (8) "Sex crime" means:
  - (a) A felony offense defined in KRS Chapter 510,~~[-or]~~ **KRS 529.100 or 529.110 involving commercial sexual activity**, 530.020, 530.064(1)(a), 531.310, 531.320, or 531.335;
  - (b) A felony attempt to commit a felony offense specified in paragraph (a) of this subsection; or
  - (c) A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is similar to a felony offense specified in paragraph (a) of this subsection;
- (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in this section, as of the date the verdict is entered by the court;
- (10) "Sexually violent predator" means any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation, under a state, territory, or federal statutory scheme;
- (11) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;
- (12) "Victim" has the same meaning as in KRS 421.500;
- (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen from a person, as prescribed by administrative regulation, that is required to provide a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the Department of Kentucky State Police forensic laboratory for law enforcement identification purposes and inclusion in law enforcement identification databases; and
- (14) "Authorized personnel" means an agent of state government who is properly trained in DNA sample collection pursuant to administrative regulation.

➔Section 2. KRS 49.370 is amended to read as follows:

- (1) No award shall be made unless the commission or commission member, as the case may be, finds that:
  - (a) Criminally injurious conduct occurred;
  - (b) Such criminally injurious conduct resulted in personal physical or psychological injury to, or death of, the victim; and
  - (c) Police or court records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police or court records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless the commission, for good cause shown, finds the delay to have been justified.
- (2) Except for claims related to sexual assault, **human trafficking**, and domestic violence, the commission upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies shall deny, reconsider, or reduce an award.
- (3) Any award made pursuant to KRS 49.270 to 49.490 shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services, including mental health counseling, necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury. Mental health counseling shall be paid for a maximum of two (2) years, but only after proper documentation is submitted to the commission stating what treatment is planned and for what period of time. The commission shall have the power to discontinue payment of mental health counseling at any time within the two (2) year period. Replacement of eyeglasses and other corrective lenses shall be included in an award, provided they were stolen, destroyed, or damaged during the crime.



- (4) Any award made for loss of earnings or financial support may be considered for a claimant who has loss of support or wages due to the crime for which the claim is filed. Unless reduced pursuant to other provisions of KRS 49.270 to 49.490, the award shall be equal to net earnings at the time of the criminally injurious conduct; however, no such award shall exceed one hundred fifty dollars (\$150) for each week of lost earnings or financial support. The wage earner or source of support must have been employed or paying support at the time the crime occurred. Said employment or support shall be verified by the staff of the commission after information is provided by the claimant or victim. Should the claimant or victim fail to supply the commission with the information requested, the portion of the claim for lost wages or support shall be denied. If there are two (2) or more persons entitled to an award as a result of the injury or death of a person which is the direct result of criminally injurious conduct, the award shall be apportioned by the commission among the claimants.
- (5) The commission is authorized to set a reasonable limit for the payment of funeral and burial expenses which shall include funeral costs, a monument, and grave plot. In no event shall an award for funeral expenses exceed five thousand dollars (\$5,000).
- (6) Any award made under KRS 49.270 to 49.490 shall not exceed twenty-five thousand dollars (\$25,000) in total compensation to be received by or paid on behalf of a claimant from the fund.
- (7) No award shall be made for any type of property loss or damage, except as otherwise permitted in KRS 49.270 to 49.490.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "airport" has the same meaning as in KRS 183.011.*
- (2) *An airport shall post in all of its publicly accessible restrooms a printed sign in English and Spanish at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be:*
  - (a) *Created using gender-neutral language supplied by the Office of the Attorney General; and*
  - (b) *Posted in a prominent place easily seen by patrons.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 277 IS CREATED TO READ AS FOLLOWS:

*Every passenger train station shall post in all of its restrooms a printed sign in English and Spanish at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be:*

- (1) *Created using gender-neutral language supplied by the Office of the Attorney General; and*
- (2) *Posted in a prominent place easily seen by patrons.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
  - (a) *"Truck stop" means a privately owned and operated facility that provides services, including but not limited to:*
    - 1. *Food;*
    - 2. *Fuel;*
    - 3. *Showers or other sanitary facilities; and*
    - 4. *Lawful overnight parking for motor carriers; and*
  - (b) *"Bus station" means a fixed structure where a bus delivers and receives passengers that has a restroom.*
- (2) *Every truck stop and bus station shall post in all of its restrooms a printed sign in English and Spanish at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be:*
  - (a) *Created using gender-neutral language supplied by the Office of the Attorney General; and*

(b) *Posted in a prominent place easily seen by patrons.*

➔Section 6. KRS 529.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) *"Abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action;*
- (2) *"Advancing prostitution" -- A person "advances prostitution" when acting other than as a prostitute or as a patron thereof, he or she knowingly causes or aids a person to engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;*
- ~~(3)(2)~~ *"Commercial sexual activity" means:*
  - (a) *Any sex act, for which anything of value is given to, promised to, or received by any person;*~~[prostitution, regardless of whether the trafficked person can be charged with prostitution,]~~
  - (b) *Participation in the production of obscene material as set out in KRS Chapter 531;*~~[;]~~ or
  - (c) *Engaging in a sexually explicit performance;*
- (4) *"Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for the debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;*
- ~~(5)(3)~~ *"Forced labor or services" means labor or services that are performed or provided by another person and that are obtained through force, fraud, or coercion;*
- ~~(6)(4)~~ *"Force, fraud, or coercion" includes but is not limited to:*
  - (a) *The use or threat of force against, abduction of, restraint, or serious harm of an individual;*
  - (b) *The abuse or threatened abuse of law or legal process;*
  - (c) *Facilitating, controlling, or threatening to control an individual's access to a controlled substance;*
  - (d) *Knowingly destroying, concealing, removing, confiscating, or possessing, or attempting to destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration documents or any other actual or purported governmental identification documents of the person or family member;*
  - (e) *Use of debt bondage; or*
  - (f) *The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function*~~[may only be accomplished by the same means and methods as a person may be restrained under KRS 509.010];~~
- ~~(7)(5)~~ *"Human trafficking" refers to criminal activity whereby one (1) or more persons are subjected to engaging in:*
  - (a) *Forced labor or services; or*
  - (b) *Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion;*
- ~~(8)(6)~~ *"Human trafficking victims fund" is the fund created in KRS 529.140;*
- ~~(9)(7)~~ *"Labor" means work of economic or financial value;*
- ~~(10)(8)~~ *"Minor" means a person under the age of eighteen (18) years;*
- ~~(11)(9)~~ *"Profiting from prostitution" -- A person "profits from prostitution" when acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she knowingly accepts or*

receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of prostitution activity;

(12) **"Serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious to compel a reasonable person to perform or to continue performing commercial sexual activity in order to avoid incurring that harm;**

(13)~~(10)~~ "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor;

(14)~~(11)~~ "Sexual conduct" means sexual intercourse or any act of sexual gratification involving the sex organs;

(15)~~(12)~~ "Sexually explicit performance" means a performance of sexual conduct involving:

- (a) Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse, actual or simulated;
- (b) Physical contact with, or willful or intentional exhibition of, the genitals;
- (c) Flagellation or excretion for the purpose of sexual stimulation or gratification; or
- (d) The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area, or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph, or other visual representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family; and

(16)~~(13)~~ "Victim of human trafficking" is a person who has been subjected to human trafficking.

➔Section 7. KRS 529.100 is amended to read as follows:

(1) A person is guilty of human trafficking when the person intentionally subjects one (1) or more persons to **engage in:**

- (a) **Forced labor or services; or**
- (b) **Commercial sexual activity through the use of force, fraud, or coercion, except that if the person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion**~~human trafficking~~.

(2) (a) Human trafficking is a Class C felony unless it involves serious physical injury to a trafficked person, in which case it is a Class B felony.

(b) If the victim of human trafficking is under eighteen (18) years of age, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.

➔Section 8. KRS 529.130 is amended to read as follows:

Any person convicted of an offense in KRS 529.100 or 529.110 shall be ordered to pay, in addition to any other fines, penalties, or applicable forfeitures, a human trafficking victims service fee of **not less than** ten thousand dollars (\$10,000) to be remitted to the fund created in KRS 529.140.

➔Section 9. KRS 529.140 is amended to read as follows:

(1) The "human trafficking victims fund," referred to in this section as the "fund," is created as a separate revolving fund within the **Office of the Attorney General**~~Justice and Public Safety Cabinet~~.

(2) The fund shall consist of proceeds from assets seized and forfeited pursuant to KRS 529.150, proceeds from the fee in KRS 529.130, grants, contributions, appropriations, and any other moneys that may be made available for purposes of the fund.

(3) Moneys in the fund shall be distributed to agencies serving victims of human trafficking, including but not limited to law enforcement agencies, prosecutorial agencies, and victim service agencies. **The Office of the Attorney General shall promulgate administrative regulations to develop procedures for distributing funds pursuant to this section**~~in accordance with procedures developed by the Justice and Public Safety Cabinet pursuant to administrative regulation~~. The administrative **regulations**~~regulation~~ shall require that:

- (a) **The Office of the Attorney General use funds received to maintain programs for the prevention of human trafficking, provide education, training, or public outreach programs about human**

***trafficking, and conduct human trafficking investigations. The Office of the Attorney General may recoup costs for conducting any programs or trainings; and***

- (b) The Cabinet for Health and Family Services ***use funds received***~~[receive adequate funding allocation under this subsection to meet the responsibilities imposed upon it]~~ to serve minor victims of human trafficking under KRS 620.029.
- (4) 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 into the succeeding fiscal year to be used for the purposes set forth in this section.
- (5) Any interest earnings on moneys in the fund shall become a part of the fund and shall not lapse to the general fund.
- (6) Moneys in the fund are hereby appropriated for the purposes set forth in this section.

➔Section 10. KRS 529.180 is amended to read as follows:

In any prosecution under KRS 529.100 or 529.110 involving commercial sexual activity~~[with a minor]~~, it shall not be a defense that:

- (1) The defendant was unaware of the minor's actual age;
- (2) ***A minor consented to engage in commercial sexual activity;***
- (3) ***The intended victim of the offense is a law enforcement officer posing as a minor as part of a criminal investigation or operation;***
- (4) ***The solicitation was unsuccessful, the conduct was not engaged in, or the law enforcement officer could not engage in the solicited offense; or***
- (5) ***The victim is charged with an offense.***

➔Section 11. All files, funds, and functions of the human trafficking victims fund shall be transferred from the Justice and Public Safety Cabinet to the Office of the Attorney General.

**Signed by Governor April 2, 2020.**

## CHAPTER 76

**( HB 491 )**

AN ACT relating to economic development incentives.

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

➔Section 1. KRS 154.20-234 is amended to read as follows:

The requirements for small businesses, investors, and investments to be qualified for participation in the Angel Investor Program are as follows:

- (1) To be certified as a qualified small business, the business shall demonstrate to the authority that it is an entity which, at the time the small business requests certification:
- (a) Has a net worth of ten million dollars (\$10,000,000) or less or net income after federal income taxes for each of the two (2) preceding fiscal years of three million dollars (\$3,000,000) or less;
- (b) Is actively and principally engaged in a qualified activity within the Commonwealth, or will be actively and principally engaged in a qualified activity within the Commonwealth after the receipt of a qualified investment by a qualified investor;
- (c) Has no more than one hundred (100) full-time employees;
- (d) Has more than fifty percent (50%) of its assets, operations, and employees located in the Commonwealth; and
- (e) Has at no time received an aggregate amount of qualified investments that has allowed qualified investors to receive more than one million dollars (\$1,000,000) in angel investor credits;

- (2) To be certified as a qualified investor, an individual investor shall demonstrate to the authority that he or she:
- (a) Is an individual natural person;
  - (b) Qualifies as an accredited investor pursuant to Regulation D of the United States Securities and Exchange Commission, 17 C.F.R. sec. 230.501, in effect as of the date the individual investor requests certification;
  - (c) Does not hold in excess of twenty percent (20%) ownership interest in, and is not employed by, the qualified small business prior to making the qualified investment in that qualified small business;
  - (d) Is not closely related to an individual who holds in excess of twenty percent (20%) ownership interest in, or who is employed by, the qualified small business prior to making the qualified investment in that qualified small business. For purposes of this paragraph, "closely related" means ***any of the following in relation to the owner or owners or spouse of the owner or owners:***
    - 1. ***Parents or grandparents;***
    - 2. ***Children or their spouses; or***
    - 3. ***Siblings or their spouses***~~[the parent, spouse, or child of an individual]~~; and
  - (e) Seeks a financial return from the investment made in the qualified small business;
- (3) To be certified as a qualified investment, the investment shall:
- (a) Be a cash investment of at least ten thousand dollars (\$10,000), in a qualified small business by a qualified investor; and
  - (b) Be offered and executed in compliance with applicable state and federal securities laws and regulations; and
- (4) The authority may establish additional requirements and guidelines for the efficient implementation and administration of the Kentucky Angel Investment Act and to carry out its purposes.
- ➔Section 2. KRS 154.20-236 is amended to read as follows:
- (1) The total amount of credit that may be awarded by the authority in each calendar year, pursuant to KRS 154.20-230 to 154.20-240, to:
- (a) All qualified investors shall be no more than three million dollars (\$3,000,000); and
  - (b) Any individual qualified investor shall be no more than two hundred thousand dollars (\$200,000).
- (2) (a) The total amount of credit that may be awarded by the authority to:
- 1. All qualified investors pursuant to KRS 154.20-230 to 154.20-240; and
  - 2. All investors in all investment funds pursuant to KRS 154.20-250 to 154.20-284;
- shall be no more than forty million dollars (\$40,000,000) in total for all years prior to December 31, 2020.
- (b) Beginning on or after January 1, 2021, the amount of credit that may be awarded by the authority in each calendar year shall be equal to the amount provided in subsection (1) of this section.
  - (c) The authority shall not grant preliminary or final approval for applications received for the Kentucky Angel Investment Act on or after January 1, 2019, but may resume approving applications received on or after January 1, 2021.
- (3) The authority shall, by promulgation of an administrative regulation, develop a standard procedure for:
- (a) Small businesses and investors to request certification for participation in the program;
  - (b) Qualified investors to request certification of a planned investment as being a qualified investment, and to apply for a credit; and
  - (c) The award of credits to qualified investors making qualified investments.
- (4) At a minimum, the procedure shall:
- (a) Require small businesses and investors to demonstrate to the authority that they, and any planned investment, satisfy all requirements provided in KRS 154.20-234;

- (b) Provide small businesses and investors with a standard written application form to request certification and apply for a credit;
  - (c) Require the payment of a fee; and
  - (d) Mandate a time period for the duration of certifications granted to small businesses and investors, and the procedures for recertification thereof.
- (5) The amount of credit awarded shall ~~not exceed~~~~be equal to~~:
- (a) **Twenty-five percent (25%)**~~Forty percent (40%)~~ of the amount of the qualified investment, if the principal place of business of the qualified small business is outside an enhanced incentive county; or
  - (b) **Forty percent (40%)**~~Fifty percent (50%)~~ of the amount of the qualified investment, if the principal place of business of the qualified small business is in an enhanced incentive county.
- (6) Upon approval of a credit, the authority shall reduce the amount of available credit by the amount of credit approved to the qualified investor.
- (7) The authority may, in effectuating this section, contract with a science and technology organization as defined in KRS 164.6011 to administer and manage the certification and application procedure established by the authority. However, the final approval of all credits shall be made solely by the authority.

➔Section 3. KRS 154.20-240 is amended to read as follows:

- (1) On or before February 1 of the calendar year succeeding the year in which a credit was awarded, and continuing for four (4) years thereafter, a qualified small business that has received a qualified investment shall file an annual report with the authority.
- (2) (a) This report shall demonstrate that the small business:
  - 1. Continues to have more than fifty percent (50%) of its assets, operations, and employees in the Commonwealth;
  - 2. Has at no time received an aggregate amount of qualified investments that has allowed qualified investors to receive more than one million dollars (\$1,000,000) in credits; and
  - 3. Continues to be actively and principally engaged in a qualified activity.
- (b) The report shall also provide additional information related to the success of the small business attributable to the investment, including but not limited to:
  - 1. New jobs created;
  - 2. Increased sales or other economic activity conducted;
  - 3. The degree of other private investment attracted; and
  - 4. Any other information requested by the authority.
- (3) If a qualified small business either:
  - (a) Fails to submit the report mandated by this section in any year; or
  - (b) Fails to meet any of the criteria listed in subsection (2)(a) of this section at any time during any year of the reporting period;

the authority shall notify the department, which shall recapture any portion, or the full amount, of the credit awarded for qualified investments in that qualified small business from the qualified investor that received the credit award or any taxpayer receiving the credit through a valid transfer. Any amounts collected from the recapture shall be deposited in the general fund.

- (4) If a qualified small business becomes insolvent and ceases operations at any time before the final required annual report is due, it shall file a written report with the authority attesting to that fact and shall thereafter be exempt from the annual report required by this section, and credits awarded **and already claimed** for qualified investments in that qualified small business shall not be subject to any recapture. **Any credits not claimed as of the date the company became insolvent and ceased operations shall be considered expired and shall not be claimed.**

➔Section 4. KRS 154.60-010 is amended to read as follows:

As used in this subchapter:

- (1) "Authority" means the Kentucky Economic Development Finance Authority;
- (2) (a) "Average hourly wage" means the per-hour wage earned by a full-time employee, including wages, tips, overtime, bonuses, and commissions, as reflected on the employee's federal form W-2 wage and tax statement.
- (b) "Average hourly wage" does not include employee benefits as defined in KRS 154.32-010, including health insurance and reimbursements;
- (3) "Base employment" means:
  - (a) For the first application for which credits are approved, the number of full-time employees employed on the day prior to the ~~work start~~~~hire~~ date of the new employee filling the earliest eligible position identified on the application; and
  - (b) For subsequent applications, the number of full-time employees employed on the day prior to the ~~work start~~~~hire~~ date of the new employee filling the earliest eligible position identified on the initial approved application plus each eligible position for which a credit has been approved; **and**
  - (c) ***For applications from businesses involved in mergers, acquisitions, or federal tax identification number changes, base employment may be adjusted by the Cabinet for Economic Development;***
- (4) "Eligible position" means each position that:
  - (a) Is filled by a full-time employee and that increases the total employment of the small business above its base employment; and
  - (b) Carries an average hourly wage of no less than one hundred fifty percent (150%) of the federal minimum wage;
- (5) "Full-time employee" means a person employed by a small business for at least an average of thirty-five (35) hours per week and subject to the state tax imposed by KRS 141.020;
- (6) "Qualifying equipment or technology" means equipment or technology that has been approved by the Office of Entrepreneurship; and
- (7) "Small business" means any business entity organized for profit that has been approved by the Office of Entrepreneurship, including a sole proprietorship, partnership, limited partnership, corporation, limited liability company, joint venture, association, or cooperative, that has fifty (50) or fewer ~~full-time~~ employees ***working more than thirty-five (35) hours per week, whether within or outside the Commonwealth,*** at the time it applies.

➔Section 5. KRS 103.220 is amended to read as follows:

- (1) The bonds may be issued to bear interest at any rate or rates, either fixed or variable, in accordance with such method as shall be set by the governing body of the issuer, payable either annually or at shorter intervals, may be of such terms and maturities, may bear such conversion privileges, may be executed by the manual or facsimile signatures of such officers of the issuer and shall be executed in such manner and at such time or times or from time to time and be payable at such times not exceeding ***forty (40)***~~thirty (30)~~ years from the date thereof, or if commercial paper, from the date of issuance thereof, and at such place or places as the governing body of the issuer determines.
- (2) The bonds may provide that they or any of them may be called for redemption prior to maturity under conditions set by the governing body of the issuer before issuing the bonds.
- (3) (a) Any bonds issued and outstanding hereunder may, at any time on or after the earliest redemption date provided therefor at the time of their issuance, be refunded by the issuer or any other city, county or authority, with the consent of the lessee, industrial concern or utility company, in such amount as the governing body may deem necessary to refund the principal of the bonds to be refunded, together with any unpaid interest thereon, to create any necessary debt service reserve fund, and to pay the costs of any improvements or additions to the project, and of any premiums, expenses and commissions required to be paid in connection therewith. Any refunding bonds issued under the authority of this section shall be payable from the revenues out of which the bonds to be refunded were payable.
- (b) At the time of the initial issuance of the bonds, the issuer may designate individual officials of its governing body as agent for purposes of approving the principal amount, the interest rate, the discount,

if any, and the maturity date of bonds being issued later to refund the maturing bonds; provided, however, that, at the time of the initial issuance of such bonds, the governing body of the issuer shall set the maximum principal amount, the maximum interest rate, and the maximum discount, if any, of the refunding bonds plus the final maturity date of the last issue of such refunding bonds; and provided further that the issuer shall retain the right to revoke any such agent's authority at any time and for any reason whatsoever. Individual issues of commercial paper, issued as part of a continuing financing program, may be refunded by the approvals of such agent of the issuer and separate proceedings of the issuer pursuant to KRS 103.210 shall not be required.

- (c) At the time of issuance of bonds which bear interest at a variable rate or rates, the governing body of the issuer may designate individuals or institutions who in the sole judgment of such governing body have financial market expertise to serve as agent for the issuer for establishing and changing from time to time while such bonds remain outstanding the rate of interest to be borne by and the price to be paid for the bonds; provided, however, that the rate-setting procedures and authority of each such agent shall be set forth in writing, and may include a formula or an index or indices based upon market factors, and shall be established by the issuer at the time of issuance of such bonds; and provided further that at the time of the issuance of the bonds, the governing body of the issuer shall establish the maximum interest rate to be borne by the bonds; and provided further that the issuer shall retain the right to remove or replace any such agent at any time and for any reason whatsoever.
- (4) Any bonds issued and outstanding hereunder and the coupons appertaining to such bonds shall prior to the maturity or redemption date thereof be deemed to have been paid to the same extent as if they had actually been paid in cash and retired, if:
  - (a) In case any of such bonds are to be redeemed on any date prior to their maturity, the issuer of such bonds shall have given a trustee appointed for the holders of such bonds in connection with their issuance, in form satisfactory to such trustee and in conformity with the requirements of the ordinance or resolution authorizing their issuance, irrevocable instructions to give notice of redemption of such bonds to the holders thereof by publication or by other method which is satisfactory to such trustee;
  - (b) There shall have been deposited with the trustee either money in an amount which shall be sufficient, or direct obligations of or obligations guaranteed by the United States of America, the principal of and the interest on which, when due, will provide money which, together with the money, if any, deposited with the trustee at the same time, shall be sufficient to pay when due the principal and the interest due and to become due on such bonds on and prior to redemption date or maturity date thereof, as the case may be; and
  - (c) In the event that such bonds are not to be redeemed within the next succeeding sixty (60) days, the issuer shall have given the trustee in form satisfactory to it irrevocable instructions to give, as soon as practicable, in a manner satisfactory to it, a notice to the holders of such bonds and coupons that the deposit required by paragraph (b) of this subsection has been made with the trustee, that such bonds and coupons are deemed to have been paid in accordance with the provisions hereof and stating such maturity or redemption date upon which money is to be available for the payment of the principal of and interest on such bonds. Any deposits made under paragraph (b) of this subsection, to the extent not secured by the Federal Deposit Insurance Corporation, shall be secured by the pledging of direct obligations of or obligations guaranteed by the United States of America.
- (5) It is hereby declared and determined that the issuance of any and all refunding bonds as provided herein will be for a public purpose if the legislative body of the issuer authorizing such bonds so declares in the proceedings authorizing same, it being hereby declared and determined that the ability of any domestic or foreign corporation renting or leasing any facilities financed by the bonds to cause refunding bonds to be issued will be an inducement for such domestic or foreign corporation to establish in Kentucky the facilities provided for in KRS 103.210 and will tend to further the purposes of KRS 103.200 to 103.285.
- (6) No bonds shall be issued hereunder in violation of federal statutes or regulations prohibiting arbitrage profits.  
➔Section 6. KRS 103.246 is amended to read as follows:
  - (1) (a) The term "pollution control facilities" means any land, building, structure, machinery, equipment, device, system or facility functionally related thereto designed for the control, containment, reduction, prevention or abatement of atmospheric pollutants or contaminants, solid waste, noise, radiation, or water pollution produced by industrial concerns and utility companies, including, but not by way of limitation, any such facilities used in whole or in part to control, contain, reduce, prevent or abate



atmospheric, solid waste, noise, radiation, or water pollution by removing, altering, containing, disposing or storing pollutants, contaminants, wastes, whether gaseous, solid or liquid, thermal or radioactive. Said term includes all pollution control facilities whenever constructed, reconstructed, purchased, leased or otherwise acquired and placed in use, which may legally be financed by issuance of bonds determined to be tax-exempt pursuant to the provisions of Section 103(b) of the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder. Pollution control facilities may be constructed as part of, and may include, facilities also designed for the recovery of chemicals or other by-products or to serve other purposes which also contribute to the control of or abatement of atmospheric, solid waste and water pollution.

- (b) The term "industrial concern" means any domestic or foreign corporation, company, partnership, association, rural electric cooperative corporation, or any other legal entity.
- (2) It is hereby determined and declared that the acquisition and financing of pollution control facilities for utilization by industrial concerns and utility companies by the issuance of bonds of cities and counties amortized by payments made by such industrial concerns and utility companies inures to the public interest, and constitutes the performance of a proper governmental purpose. It is the intent of this section to afford to cities and counties alternative methods of financing pollution control facilities to the end that atmospheric, solid waste and water pollution in the Commonwealth may be abated and controlled to the maximum possible extent.
- (3) As an alternative to the procedure set forth in KRS 103.200 to 103.285, inclusive, any city or county, for the purpose of financing the acquisition of pollution control facilities for any industrial concern or utility company, may issue negotiable bonds pursuant to KRS 103.200 to 103.285, inclusive, and either (a) loan the proceeds from the sale of such bonds to an industrial concern or utility company to finance the acquisition of such pollution control facilities, (b) sell such pollution control facilities to an industrial concern or utility company pursuant to agreement, or (c) lease such pollution control facilities from an industrial concern or utility company and sublease same to such industrial concern or utility company. In the event of use of such alternative financing procedure, such bonds shall not constitute an indebtedness of such city or county within the meaning of the Constitution of Kentucky, but shall be payable as to principal and interest solely from the revenues derived from payments, repayments, or sublease payments made by such industrial concern or utility company to such city or county in respect of such loan, sale or sublease.
- (4) In the event that an alternate procedure authorized by this section is to be utilized in the financing of pollution control facilities, (i) the provisions of KRS 103.200 to 103.285, inclusive, shall apply, except that the proceedings and procedures therein described shall contemplate and authorize a transaction in the form of (a) a loan of the proceeds from the sale of such bonds by such city or county to an industrial concern or utility company for the acquisition of such pollution control facilities, (b) a sale of such pollution control facilities to an industrial concern or utility company pursuant to agreement, or (c) a lease of such pollution control facilities from an industrial concern or utility company and sublease of same to such industrial concern or utility company; and (ii) the loan, sale, lease and sublease and any agreement or contract with respect thereto may include such provisions as such city or county shall deem appropriate to effect the securing of the financing undertaken in respect of such pollution control facilities, including, but not by way of limitation, (a) the pledge of the general credit of any such industrial concern or utility company, (b) the making of guarantees to an indenture trustee or to such city or county in respect of amortization of such bonds by any such industrial concern or utility company, (c) the creation of liens of security interests on any property or portion thereof of any such industrial concern or utility company, either senior or junior to, or ranking equally with, any other lien, security interest or rights of others, including any party or parties to any agreement in connection with such financing and/or its or their respective security holders and indenture trustees or mortgage trustees, and (d) the pledge of other direct securities of such industrial concern or utility company in respect of such bonds.
- (5) In the event any city or county shall finance pollution control facilities pursuant to the express authority contained in this section, title to such pollution control facilities shall not be acquired by such city or county in the case of a loan or lease transaction, and, in the case of a sale transaction, title may pass at any time, and the statutory mortgage lien for which provision is made in KRS 103.250 shall not apply to any such pollution control facilities.
- (6) Bonds issued by cities and counties pursuant to the authority contained in this section may be caused to mature as to principal in term or serial maturities not to exceed **forty (40)**~~thirty (30)~~ years from date of issue.

**Signed by Governor April 2, 2020.**

## CHAPTER 77

## ( HB 302 )

AN ACT relating to the Kentucky State Plane Coordinate System.

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

➔Section 1. KRS 1.010 is amended to read as follows:

It is the intent of the General Assembly of the Commonwealth of Kentucky that KRS 1.020 shall not eliminate the existing methods of describing points *on, within, or above* ~~of~~ the surface of the earth, as in metes and bounds or, in western Kentucky, the public land system, but rather to enhance these existing methods and establish a conformity for *defining and stating the geographic positions or locations of points on, within, or above the surface of the earth and* retracement purposes.

➔Section 2. KRS 1.020 is amended to read as follows:

- (1) The Kentucky *State Plane* Coordinate System ~~of 1983~~, which is hereby adopted, means a system of plane coordinates which have been established by the National *Oceanic and Atmospheric Administration, through its* ~~Ocean Service~~ National Geodetic Survey, for defining and stating the geographic positions or locations of points *on, within, or above* the surface of the earth within the Commonwealth of Kentucky.
- (2) For this system, the Commonwealth, *through the Commonwealth Office of Technology, under the provisions of KRS 42.650 and advised by the Geographic Information Advisory Council, under the provisions of KRS 42.740, shall establish and publish a series of layered zones covered by geodetically referenced mapping projections adopted and supported by the National Geodetic Survey as a component of the National Spatial Reference System. Each series of zones shall be identified by the geodetic datum upon which they are defined and each zone shall remain uniquely and consistently defined throughout its implementation within a particular series* ~~shall be divided into a north zone and a south zone. The north zone shall be a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 37 degrees, 58 minutes, and 38 degrees, 58 minutes along which parallels the scale shall be exact. The origin of coordinates shall be at the intersection of the meridian 84 degrees, 15 minutes west of Greenwich, and the parallel 37 degrees, 30 minutes north latitude. This origin shall be given the coordinates: N=0, E=500,000.000 meters. The south zone shall be a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 36 degrees, 44 minutes, and 37 degrees, 56 minutes along which parallels the scale shall be exact. The origin of coordinates shall be at the intersection of the meridian 85 degrees, 45 minutes west of Greenwich, and the parallel 36 degrees, 20 minutes north latitude. This origin shall be given the coordinates: N=500,000.000, E=500,000.000 meters. The southern edge of the following counties shall delineate the boundary between the north zone and the south zone: Bullitt, Spencer, Anderson, Woodford, Jessamine, Fayette, Clark, Montgomery, Menifee, Morgan, and Lawrence~~.
- (3) One U. S. survey foot equals (1200)/(3937) meter. For conversion of meters to U. S. survey feet, multiply the meters by 3.2808333333 to twelve (12) significant figures. *One international foot equals 0.3048 meter exactly. For conversion of meters to international feet, multiply the meters by 3.280839895. Unless otherwise originally established for an existing series, the base unit of linear measure for defining all zones within each series of the Kentucky State Plane Coordinate System shall be the meter. The specific constant for converting distances within each zone from the meter to the customary foot shall be:*
  - (a) *The U.S. survey foot conversion factor as originally and exclusively specified for any existing series; and*
  - (b) *The international foot conversion factor exclusively for each subsequent series established hereafter* ~~When converting from meters to feet, the conversion factor defined by the U. S. survey foot shall be used~~.
- (4) The plane coordinate values *to be* ~~for a point on the earth's surface,~~ used ~~for~~ ~~to~~ *expressing* ~~express~~ the geographic position or location of ~~a~~ ~~the~~ point in the appropriate zone of *the Kentucky State Plane Coordinate System* ~~this system,~~ shall consist of two (2) distances expressed in *customary* ~~U. S. survey~~ feet and decimals of a foot *or meters and decimals of a meter* ~~when using the Kentucky Coordinate System of 1983~~. *When the values are expressed in customary feet, the meter to foot conversion factor for the respective Kentucky State*

*Plane Coordinate System series, as specified in subsection (3) of this section, shall be used.* ~~For the Kentucky Coordinate System of 1983, ]~~ One (1) of the distances, to be known as the "*North y-coordinate*," ~~["northing" or "N"]~~, shall give the *distance north of the X axis* ~~[position in a north/south direction]~~. The other, to be known as the "*East x-coordinate*," ~~["easting" or "E"]~~ shall give the *distance east of the Y axis*. *The Y axis of any zone shall be parallel with the central meridian of that zone. The X axis of any zone shall be at right angles to the central meridian of that zone* ~~[position in an east/west direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinates values for the monumented points of the North American National Geodetic Horizontal Network as published by the National Ocean Service/National Geodetic Survey, and whose plane coordinates have been computed on the systems established by the National Ocean Service/National Geodetic Survey. Any such station may be used for establishing a survey connection to the Kentucky Coordinate System of 1983]~~.

- (5) For purposes of describing the location of any survey station or land boundary corner in the Commonwealth of Kentucky, it shall be considered a complete, legal, and satisfactory description of the location to give the position of the survey station or land boundary corner on the Kentucky *State Plane* Coordinate System ~~of 1983]~~.
- (6) Nothing contained in this section shall require a purchaser or mortgagee of real property to rely wholly on a land description any part of which depends exclusively upon the Kentucky *State Plane* Coordinate System ~~of 1983]~~.
- (7) When any tract of land to be defined by a single description extends from one (1) into *multiple mutually adjacent* ~~[the other of the two (2)]~~ zones, the position of all points on its boundaries *shall* ~~[may]~~ be referred *exclusively to one (1) of the multiple* ~~[either of the two (2)]~~ zones. The zone which is used shall be named in the description.
- (8) No coordinates based on the Kentucky *State Plane* Coordinate System ~~of 1983]~~, purporting to define the position of a *corner* ~~[point]~~ on a land boundary, shall be presented to be recorded in any public land records or deed records unless the *corner* ~~[point]~~ has been tied to *a* ~~[an existing monumented horizontal]~~ control *monument or* station established *by conforming to* ~~[in conformity with]~~ the standards of accuracy *for boundary* ~~[and specifications for first or second order geodetic]~~ surveying as *specified by administrative regulations duly promulgated under the provisions of KRS Chapter 322* ~~[prepared and published by the Federal Geodetic Control Committee of the United States Department of Commerce. The survey used to tie a point into these monumented control stations shall conform to the standards and specifications of a minimum of third order accuracies as set forth by the Federal Geodetic Control Committee. Standards and specifications of the Federal Geodetic Control Committee, or its successor, in force on the date of the survey shall apply. Publishing existing control stations, or the acceptance with intent to publish the newly established stations, by the National Ocean Service/National Geodetic Survey shall constitute evidence of adherence to the Federal Geodetic Control Committee specifications. These requirements may be modified by a duly authorized state agency or local agency to meet local conditions]~~.
- (9) The use of the *term* ~~[terms]~~ "KENTUCKY *STATE PLANE* COORDINATE SYSTEM" ~~OF 1983 NORTH ZONE" or "KENTUCKY COORDINATE SYSTEM OF 1983 SOUTH ZONE]~~ on any map, report of survey, or other document shall be limited to coordinates based on the Kentucky *State Plane* Coordinate System as defined in this section.
- (10) 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 the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.
- (11) *The provisions of this chapter shall not be construed to prohibit the appropriate use of other geodetic reference networks.*

Signed by Governor April 7, 2020.

## CHAPTER 78

( HB 457 )

AN ACT relating to election precinct boundaries and declaring an emergency.

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

➔Section 1. KRS 117.056 is amended to read as follows:

- (1) The provisions of KRS 117.055 notwithstanding, the county boards of elections shall maintain the boundaries of election precincts from **January 1**~~July 15~~ of each year ending in "0" until the termination of the next following regular or extraordinary session of the General Assembly which enacts congressional and state legislative redistricting legislation following receipt of the decennial United States Census of Population.
- (2) If any county board of elections fails to perform the duty placed upon it by subsection (1) of this section, the State Board of Elections shall apply to the Circuit Court of the county for a writ of mandamus requiring the county board to perform this duty.

➔Section 2. Whereas it is important for the Commonwealth to receive the benefit of its participation in Phase 2 of the 2020 Census Redistricting Data Program under Pub. L. No. 94-171, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor April 7, 2020.**

## CHAPTER 79

### ( HB 484 )

AN ACT relating to retirement and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS 61.510 TO 61.705 IS CREATED TO READ AS FOLLOWS:

(1) *Effective April 1, 2021:*

- (a) *Except as provided by Section 2 of this Act, the administration of the County Employees Retirement System shall be transferred from the Kentucky Retirement Systems board of trustees to the County Employees Retirement System board of trustees established by Section 3 of this Act.*
- (b) *Except as provided by Section 2 of this Act, the administration of the Kentucky Employees Retirement System and the State Police Retirement System shall continue to be the responsibility of the Kentucky Retirement Systems board of trustees as amended by Section 4 of this Act.*
- (c) *The Kentucky Public Pensions Authority established by Section 2 of this Act shall provide personnel needs, day-to-day administrative needs, and other duties specified by Section 2 of this Act to the Kentucky Retirement Systems board of trustees and the County Employees Retirement System board of trustees. The staff of the Kentucky Retirement Systems shall become the staff of the Kentucky Public Pensions Authority.*
- (2) *It is the intent of the General Assembly to enact legislation in the 2021 Regular Session to create separate statutory structures as it relates to benefits for the Kentucky Retirement Systems and the County Employees Retirement System that are currently shared by the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System while retaining shared statutes that relate to administrative provisions that will be the responsibility of the Kentucky Public Pensions Authority.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) *There is created an eight (8) member Kentucky Public Pensions Authority whose purpose shall be to administer and operate:*
  - (a) *A single personnel system for the staffing needs of the Kentucky Retirement Systems and the County Employees Retirement System;*
  - (b) *A system of accounting that is developed by the authority for the Kentucky Retirement Systems and the County Employees Retirement System;*
  - (c) *Day-to-day administrative needs of the Kentucky Retirement Systems and the County Employees Retirement System including but not limited to:*

1. *Benefit counseling and administration;*
  2. *Information technology and services, including a centralized Web site for the authority, the Kentucky Retirement Systems, and the County Employees Retirement System;*
  3. *Legal services;*
  4. *Employer reporting and compliance;*
  5. *Processing and distribution of benefit payments, and other financial, investment administration, and accounting duties as directed by the Kentucky Retirement Systems board of trustees or the County Employees Retirement System board of trustees; and*
  6. *Completing and compiling financial data and reports.*
- (d) *Any jointly held assets used for the administration of the Kentucky Retirement Systems and the County Employees Retirement System, including but not limited to real estate, office space, equipment, and supplies. Perimeter Park West Incorporated shall be considered a jointly held asset;*
- (e) *Hiring a single actuarial consulting firm who shall serve both the Kentucky Retirement Systems and the County Employees Retirement System; and*
- (f) *Other tasks or duties as directed solely or jointly by the boards of the Kentucky Retirement Systems or the County Employees Retirement System.*
- (2) *The eight (8) member Kentucky Public Pensions Authority shall be composed of the following individuals:*
- (a) *The chair of the Kentucky Retirement Systems board of trustees;*
- (b) *The chair of the County Employees Retirement System board of trustees;*
- (c) *The investment committee chair of the Kentucky Retirement Systems board of trustees, unless the investment committee chair is also the chair of the board of trustees in which case the chair of the Kentucky Retirement Systems shall appoint an individual who serves on the investment committee;*
- (d) *The investment committee chair of the County Employees Retirement System board of trustees, unless the investment committee chair is also the chair of the County Employees Retirement System board of trustees in which case the chair of the County Employees Retirement System shall appoint an individual who serves on the investment committee;*
- (e) *Two additional (2) trustees of the Kentucky Retirement Systems board of trustees selected by the chair of the Kentucky Retirement Systems board of trustees of which one (1) shall be a trustee who was elected by the membership of one (1) of the systems administered by Kentucky Retirement Systems and one (1) shall be a trustee of Kentucky Retirement Systems who was appointed by the Governor; and*
- (f) *Two additional (2) trustees of the County Employees Retirement System board of trustees selected by the chair of the County Employees Retirement System board of trustees of which one (1) shall be a trustee who was elected by the membership of the County Employees Retirement System and one (1) shall be a trustee of the County Employees Retirement System who was appointed by the Governor.*
- (3) *The Kentucky Public Pensions Authority is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:*
- (a) *To sue and be sued in its corporate name;*
- (b) *To make bylaws not inconsistent with the law and in accordance with its duties as provided by this section;*
- (c) *To conduct the business and promote the purposes for which it was formed;*
- (d) *To carry out the obligations of the authority subject to KRS Chapters 45, 45A, 56, and 57;*
- (e) *To purchase fiduciary liability insurance;*
- (f) *The Kentucky Public Pensions Authority shall reimburse any authority member, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established*

*pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.*

- (4) *Any vacancy which may occur in an appointed position on the Kentucky Public Pensions Authority shall be filled in the same manner which provides for the selection of the particular member of the authority. No person shall serve in more than one (1) position as a member of the authority and if a person holds more than one (1) position as a member of the authority, he or she shall resign a position.*
- (5) (a) *Membership on the authority shall not be incompatible with any other office unless a constitutional incompatibility exists. No authority member shall serve in more than one (1) position as a member of the authority.*

(b) *An authority member shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.*

(c) *A current or former employee of the County Employees Retirement System, Kentucky Retirement Systems, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the authority.*
- (6) *Kentucky Public Pensions Authority members who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards, except that the members shall not receive a per diem or receive reimbursements on the same day they receive a per diem or reimbursements for service to the Kentucky Retirement Systems board of trustees or County Employees Retirement Systems board of trustees.*
- (7) (a) *The authority shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the executive director of the authority.*

(b) *The authority shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice chair of the authority. The vice chair shall not serve more than four (4) consecutive years as chair or vice chair of the authority. A member who has served four (4) consecutive years as chair or vice chair of the authority may be elected chair or vice chair of the authority after an absence of two (2) years from the positions.*

(c) *A majority of the authority members shall constitute a quorum and all actions taken by the authority shall be by affirmative vote of a majority of the authority members present.*

(d) *The authority shall post on the authority's Web site and shall make available to the public:*

  - 1. All meeting notices and agendas of the authority. Notices and agendas shall be posted to the authority's Web site at least seventy-two (72) hours in advance of the authority's meetings, except in the case of special or emergency meetings as provided by KRS 61.823;*
  - 2. All authority minutes or other materials that require adoption or ratification by the authority. The items listed in this subparagraph shall be posted within seventy-two (72) hours of adoption or ratification of the authority;*
  - 3. All bylaws, policies, or procedures adopted or ratified by the authority; and*
  - 4. A listing of the members of the authority and membership on each committee established by the authority.*
- (8) (a) *The Kentucky Public Pensions Authority shall appoint or contract for the services of an executive director and fix the compensation and other terms of employment for this position without limitation of the provisions of KRS Chapter 18A and Section 30 of this Act. The executive director shall be the chief administrative officer of the authority, the Kentucky Retirement Systems board of trustees, and the County Employees Retirement System board of trustees. The executive director shall work cooperatively with the chief executive officers of the Kentucky Retirement Systems and the County Employees Retirement System.*

(b) *The Kentucky Public Pensions Authority shall authorize the executive director to appoint the employees deemed necessary to transact the duties of the authority for the purposes outlined in subsection (1) of this section.*

- (c) *Effective April 1, 2021, the Kentucky Public Pensions Authority shall assume responsibility of administering the staff of the Kentucky Retirement Systems in order to provide the services established by this section.*
- (d) *All employees of the Kentucky Public Pensions Authority, except for the executive director, shall be subject to the state personnel system established pursuant to KRS 18A.005 to 18A.204 and shall have their salaries determined by the secretary of the Personnel Cabinet.*
- (e) *The authority shall annually report to the Public Pension Oversight Board the number of employees of the authority, the salary paid to each employee, and the change in the salaries of each individual employed by the authority over the prior year.*
- (f) *The authority shall require the executive director and the employees as it thinks proper to execute bonds for the faithful performance of their duties notwithstanding the limitations of KRS Chapter 62.*
- (g) *Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of this section by executive order or action including but not limited to reorganizing, replacing, amending, or abolishing the membership of the Kentucky Public Pensions Authority.*
- (9) *All employees of the authority shall serve during its will and pleasure. Notwithstanding any statute to the contrary, employees shall not be considered legislative agents under KRS 6.611.*
- (10) *The Attorney General, or an assistant designated by him or her, may attend each meeting of the authority and may receive the agenda, board minutes, and other information distributed to authority members upon request. The Attorney General may act as legal adviser and attorney for the authority, and the authority may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.*
- (11) *All expenses incurred by or on behalf of the Kentucky Public Pensions Authority shall be paid by the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System and shall be prorated, assigned, or allocated to each system as determined by Kentucky Public Pensions Authority. Any additional initial costs determined by the authority to be attributable solely to establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority as provided by this section and Section 3 of this Act, shall be paid by the County Employees Retirement System. Any additional ongoing annual administrative and investment expenses that occur after the establishment of a separate County Employees Retirement System board and the Kentucky Public Pensions Authority that are determined by the authority to be a direct result of establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority shall be paid by the County Employees Retirement System.*
- (12) (a) *An authority member shall discharge his or her duties as a member of the authority, including his or her duties as a member of a committee of the authority:*
  - 1. *In good faith;*
  - 2. *On an informed basis; and*
  - 3. *In a manner he or she honestly believes to be in the best interest of the County Employees Retirement System and the Kentucky Retirement Systems, as applicable.*
- (b) *An authority member discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the authority, system, or systems or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.*
- (c) *In discharging his or her duties, an authority member may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:*
  - 1. *One (1) or more officers or employees of the authority whom the authority member honestly believes to be reliable and competent in the matters presented;*
  - 2. *Legal counsel, public accountants, actuaries, or other persons as to matters the authority member honestly believes are within the person's professional or expert competence; or*
  - 3. *A committee of the authority of which he or she is not a member if the authority member honestly believes the committee merits confidence.*

- (d) *An authority member shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.*
- (e) *Any action taken as a member of the authority, or any failure to take any action as an authority member, shall not be the basis for monetary damages or injunctive relief unless:*
  - 1. *The authority member has breached or failed to perform the duties of the member's office in compliance with this section; and*
  - 2. *In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.*
- (f) *A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the Kentucky Retirement Systems or County Employees Retirement System, as applicable.*
- (g) *In discharging his or her administrative duties under this section, an authority member shall strive to administer the systems in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.*

➔SECTION 3. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO READ AS FOLLOWS:

- (1) *The County Employees Retirement System shall be administered by the board of trustees composed of nine (9) members, who shall be selected as follows:*
  - (a) *Three (3) trustees, who shall be members or retired from the County Employees Retirement System, elected by the members and retired members of the County Employees Retirement System, of which:*
    - 1. *Two (2) shall have a majority of his or her service credit earned in the County Employees Retirement System in a nonhazardous position; and*
    - 2. *One (1) shall have a majority of his or her service credit earned in the County Employees Retirement System in a hazardous position;*
  - (b) *Six (6) trustees appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Of the six (6) trustees appointed by the Governor:*
    - 1. *One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky League of Cities;*
    - 2. *One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky League of Cities;*
    - 3. *One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky Association of Counties;*
    - 4. *One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky Association of Counties;*
    - 5. *One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky School Boards Association; and*
    - 6. *One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky School Boards Association.*

*Notwithstanding the provisions of KRS 12.070(3), the Governor shall appoint each individual trustee described by subparagraphs 1. to 6. of this paragraph solely from each corresponding individual list required to be submitted by the Kentucky League of Cities, the Kentucky Association of Counties, or the Kentucky School Boards Association as provided by subparagraphs 1. to 6. of this paragraph, and the Governor shall not be able to reject the list of applicants submitted, request that another list be provided, or use a list different from the one (1) individual list required to be submitted for each specific appointment.*



- (c) *For purposes of paragraph (b) of this subsection, a trustee with "investment experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:*
  - 1. *A portfolio manager acting in a fiduciary capacity;*
  - 2. *A professional securities analyst or investment consultant;*
  - 3. *A current or retired employee or principal of a trust institution, investment or finance organization, or endowment fund acting in an investment-related capacity;*
  - 4. *A chartered financial analyst in good standing as determined by the CFA Institute; or*
  - 5. *A university professor, teaching investment-related studies.*
- (d) *For purposes of paragraph (b) of this subsection, a trustee with "retirement experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:*
  - 1. *Experience in retirement or pension plan management;*
  - 2. *A certified public accountant with relevant experience in retirement or pension plan accounting;*
  - 3. *An actuary with relevant experience in retirement or pension plan consulting;*
  - 4. *An attorney licensed to practice law in the Commonwealth of Kentucky with relevant experience in retirement or pension plans; or*
  - 5. *A current or former university professor whose primary area of emphasis is economics or finance.*
- (2) *The board is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:*
  - (a) *To sue and be sued in its corporate name;*
  - (b) *To make bylaws not inconsistent with the law;*
  - (c) *To conduct the business and promote the purposes for which it was formed;*
  - (d) *Except as provided in subsection (6) of Section 5 of this Act, to contract for investment counseling, auditing, medical, and other professional or technical services as required to carry out the obligations of the board subject to the provisions of KRS Chapters 45, 45A, 56, and 57. Actuarial consulting services shall be provided by a firm hired by the Kentucky Public Pensions Authority;*
  - (e) *To purchase fiduciary liability insurance;*
  - (f) *Except as provided in subsection (6) of Section 5 of this Act, to acquire, hold, sell, dispose of, pledge, lease, or mortgage, the goods or property necessary to exercise the board's powers and perform the board's duties subject to KRS Chapters 45, 45A, and 56; and*
  - (g) *The board shall reimburse any trustee, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.*
- (3) *Notwithstanding the provisions of subsection (1) of this section, each trustee shall serve a term of four (4) years or until his or her successor is duly qualified except as otherwise provided in this section. An elected or appointed trustee, shall not serve more than three (3) consecutive four (4) year terms. An elected or appointed trustee who has served three (3) consecutive terms may be elected or appointed again after an absence of four (4) years from the board.*
- (4) (a) *The trustees selected by the membership of the system shall be elected by ballot. For each trustee to be elected, the board may nominate, not less than six (6) months before a term of office of a trustee is due to expire, three (3) constitutionally eligible individuals.*

- (b) *Individuals may be nominated by the system members by presenting to the executive director, not less than four (4) months before a term of office of a trustee is due to expire, a petition, bearing the name, last four digits of the Social Security number, and signature of no less than one-tenth (1/10) of the number voting in the last election by the system members.*
  - (c) *Within four (4) months of the nominations made in accordance with paragraphs (a) and (b) of this subsection, the executive director shall cause to be prepared an official ballot. The ballot shall carry the name, address, and position title of each individual nominated by the board and by petition. Provision shall also be made for write-in votes.*
  - (d) *Except as provided by paragraph (j) of this subsection, the ballots shall be distributed to the eligible voters by mail to their last known residence address.*
  - (e) *The ballots shall be addressed to the County Employees Retirement System in care of a predetermined box number at a United States Post Office or submitted electronically as provided by paragraph (j) of this subsection. Access to this post office box shall be limited to the board's contracted firm. The individual receiving a plurality of votes shall be declared elected.*
  - (f) *The eligible voter shall cast his or her ballot by selecting the candidate of his or her choice. He or she shall sign and mail the ballot or submit the electronic ballot at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date, or date of submission in the case of electronic ballots, shall be provided on the ballot.*
  - (g) *The board's contracted firm shall report in writing the outcome to the chair of the board of trustees. Costs of an election shall be payable from the funds of the system.*
  - (h) *For purposes of this subsection, an eligible voter shall be a person who was a member of the system on December 31 of the year preceding the election year.*
  - (i) *Each individual who submits a request to be nominated by the board under paragraph (a) of this subsection and each individual who is nominated by the membership under paragraph (b) of this subsection shall:*
    - 1. *Complete an application developed by the system which shall include but not be limited to a disclosure of any prior felonies and any conflicts of interest that would hinder the individual's ability to serve on the board;*
    - 2. *Submit a resume detailing the individual's education and employment history and a cover letter detailing the member's qualifications for serving as trustee to the board; and*
    - 3. *Authorize the system to have a criminal background check performed. The criminal background check shall be performed by the Department of Kentucky State Police.*
  - (j) *In lieu of the ballots mailed to members and retired members as provided by this subsection, the systems may by promulgation of administrative regulation pursuant to KRS Chapter 13A conduct trustee elections using electronic ballots, except that the systems shall mail a paper ballot upon request of any eligible voter.*
- (5) *Any vacancy which may occur in an appointed position shall be filled in the same manner which provides for the selection of the particular trustee, and any vacancy which may occur in an elected position shall be filled by appointment by a majority vote of the remaining elected trustees; however, any vacancy shall be filled only for the duration of the unexpired term. In the event of a vacancy of an elected trustee, the system shall notify members of the vacancy and the opportunity to be considered for the vacant position. Any vacancy shall be filled within ninety (90) days of the position becoming vacant.*
- (6) (a) *Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists. No trustee shall serve in more than one (1) position as trustee on the board and, if a trustee holds more than one (1) position as trustee on the board, he shall resign a position.*
- (b) *A trustee shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.*
- (c) *A current or former employee of the County Employees Retirement System, Kentucky Retirement Systems, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the board.*

- (7) *Trustees who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards.*
- (8) (a) *The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the executive director.*
- (b) *The board shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice chair of the board. The vice chair shall not serve more than four (4) consecutive years as chair or vice chair of the board. A trustee who has served four (4) consecutive years as chair or vice chair of the board may be elected chair or vice chair of the board after an absence of two (2) years from the positions.*
- (c) *A majority of the trustees shall constitute a quorum, and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.*
- (9) (a) *The board of trustees shall appoint or contract for the services of chief executive officer and fix the compensation and other terms of employment for this position without limitation of the provisions of KRS Chapters 18A and 45A and Section 30 of this Act. The chief executive officer shall serve as the legislative, legal, and executive advisor to the board and shall work with the executive director of the Kentucky Public Pensions Authority to carry out the provisions of KRS 78.510 to 78.852. The executive director of the Kentucky Public Pensions Authority shall be the chief administrative officer of the board.*
- (b) *The board shall require the chief executive officer to execute bonds for the faithful performance of his or her duties notwithstanding the limitations of KRS Chapter 62.*
- (c) *The board shall have a system of accounting established by the Kentucky Public Pensions Authority.*
- (d) *The board shall do all things, take all actions, and promulgate all administrative regulations, not inconsistent with the provisions of KRS 78.510 to 78.852, necessary or proper in order to carry out the provisions of KRS 78.510 to 78.852. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 78.510 to 78.852 conform with federal statute or regulation and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 78.510 to 78.852 which conflict with federal statute or regulation or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate administrative regulations to conform with federal statute and regulation and to meet the qualification requirements under 26 U.S.C. sec. 401(a), including an administrative regulation to comply with 26 U.S.C. sec. 401(a)(9).*
- (e) *Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of KRS 78.510 to 78.852 by executive order or action, including but not limited to reorganizing, replacing, amending, or abolishing the membership of the County Employees Retirement System board of trustees.*
- (10) *The chief executive officer of the board shall serve during its will and pleasure. Notwithstanding any statute to the contrary, the chief executive officer shall not be considered a legislative agent under KRS 6.611.*
- (11) *The Attorney General, or an assistant designated by him or her, may attend each meeting of the board and may receive the agenda, board minutes, and other information distributed to trustees of the board upon request. The Attorney General may act as legal adviser and attorney for the board, and the board may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.*
- (12) (a) *The system shall publish an annual financial report showing all receipts, disbursements, assets, and liabilities. The annual report shall include a copy of an audit 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 or her discretion. All proceedings and records of the board shall be open for inspection by the public. The system shall make copies of the audit required by this subsection available for examination by any member, retiree, or beneficiary in the offices of the County*

*Employees Retirement System and in other places as necessary to make the audit available to all members, retirees, and beneficiaries. A copy of the annual audit shall be sent electronically to the Legislative Research Commission no later than ten (10) days after receipt by the board.*

- (b) *At least 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.*
- (13) *All expenses incurred by or on behalf of the system and the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account.*
- (14) *Except as provided under subsection (16) of this section or KRS 61.665, any person adversely affected by a decision of the board involving KRS 78.510 to 78.852 may appeal the decision of the board to the Franklin Circuit Court within sixty (60) days of the board action.*
- (15) (a) *A trustee shall discharge his or her duties as a trustee, including his or her duties as a member of a committee:*
  - 1. *In good faith;*
  - 2. *On an informed basis; and*
  - 3. *In a manner he or she honestly believes to be in the best interest of the County Employees Retirement System.*
- (b) *A trustee discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the system or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.*
- (c) *In discharging his or her duties, a trustee may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:*
  - 1. *One (1) or more officers or employees of the system or authority whom the trustee honestly believes to be reliable and competent in the matters presented;*
  - 2. *Legal counsel, public accountants, actuaries, or other persons as to matters the trustee honestly believes are within the person's professional or expert competence; or*
  - 3. *A committee of the board of trustees of which he or she is not a member if the trustee honestly believes the committee merits confidence.*
- (d) *A trustee shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.*
- (e) *Any action taken as a trustee, or any failure to take any action as a trustee, shall not be the basis for monetary damages or injunctive relief unless:*
  - 1. *The trustee has breached or failed to perform the duties of the trustee's office in compliance with this section; and*
  - 2. *In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.*
- (f) *A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the system.*
- (g) *In discharging his or her administrative duties under this section, a trustee shall strive to administer the system in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.*
- (16) *When an order by the system substantially impairs the benefits or rights of a member, retired member, or recipient, except action which relates to entitlement to disability benefits, the affected member, retired*

*member, or recipient may request a hearing to be held in accordance with KRS Chapter 13B. The board may establish an appeals committee whose members shall be appointed by the chair and who shall have authority to act upon the recommendations and reports of the hearing officer on behalf of the board. The member, retired member, recipient, or employer aggrieved by a final order of the board following the hearing may appeal the decision to the Franklin Circuit Court, in accordance with KRS Chapter 13B. The board may establish a joint administrative appeals committee with the Kentucky Retirement Systems and may also establish a joint disability appeals committee with the Kentucky Retirement Systems.*

(17) *The board shall establish a formal trustee education program for all trustees of the board. The program shall include but not be limited to the following:*

(a) *A required orientation program for all new trustees elected or appointed to the board. The orientation program shall include training on:*

- 1. Benefits and benefits administration;*
- 2. Investment concepts, policies, and current composition and administration of system investments;*
- 3. Laws, bylaws, and administrative regulations pertaining to the system and to fiduciaries; and*
- 4. Actuarial and financial concepts pertaining to the system.*

*If a trustee fails to complete the orientation program within one (1) year from the beginning of his or her first term on the board, the system shall withhold payment of the per diem and travel expenses due to the board member under this section until the trustee has completed the orientation program;*

(b) *Annual required training for board members on the administration, benefits, financing, and investing of the system. If a trustee fails to complete the annual required training during the calendar or fiscal year, the retirement systems shall withhold payment of the per diem and travel expenses due to the board member under this section until the board member has met the annual training requirements; and*

(c) *The system shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the trustee education program.*

(18) *In order to improve public transparency regarding the administration of the system, the board of trustees shall adopt a best practices model by posting the following information to the Kentucky Public Pensions Authority's Web site and shall make available to the public:*

(a) *Meeting notices and agendas for all meetings of the board. Notices and agendas shall be posted to the Kentucky Public Pensions Authority's Web site at least seventy-two (72) hours in advance of the board or committee meetings, except in the case of special or emergency meetings as provided by KRS 61.823;*

(b) *The Comprehensive Annual Financial Report with the information as follows:*

- 1. A general overview and update on the system by the executive director;*
- 2. A listing of the board of trustees;*
- 3. A listing of key staff;*
- 4. An organizational chart;*
- 5. Financial information, including a statement of plan net assets, a statement of changes in plan net assets, an actuarial value of assets, a schedule of investments, a statement of funded status and funding progress, and other supporting data;*
- 6. Investment information, including a general overview, a list of the system's professional consultants, a total net of fees return on system investments over a historical period, an investment summary, contracted investment management expenses, transaction commissions, and a schedule of investments;*
- 7. The annual actuarial valuation report on the pension benefit and the medical insurance benefit; and*
- 8. A general statistical section, including information on contributions, benefit payouts, and retirement system demographic data;*

- (c) *All external audits;*
  - (d) *All board minutes or other materials that require adoption or ratification by the board of trustees. The items listed in this paragraph shall be posted within seventy-two (72) hours of adoption or ratification of the board;*
  - (e) *All bylaws, policies, or procedures adopted or ratified by the board of trustees;*
  - (f) *The system's summary plan description;*
  - (g) *A document containing an unofficial copy of the statutes governing the system;*
  - (h) *A listing of the members of the board of trustees and membership on each committee established by the board, including any investment committees;*
  - (i) *All investment holdings in aggregate, fees, and commissions for each fund administered by the board, which shall be updated on a quarterly basis for fiscal years beginning on or after July 1, 2021. The system shall request from all managers, partnerships, and any other available sources all information regarding fees and commissions and shall, based on the requested information received:*
    - 1. *Disclose the dollar value of fees and commissions paid to each individual manager or partnership;*
    - 2. *Disclose the dollar value of any profit sharing, carried interest, or any other partnership incentive arrangements, partnership agreements, or any other partnership expenses received by or paid to each manager or partnership; and*
    - 3. *As applicable, report each fee or commission by manager or partnership consistent with standards established by the Institutional Limited Partners Association (ILPA).*

*In addition to the requirements of this paragraph, the system shall also disclose the name and address of all individual underlying managers or partners in any fund of funds in which system assets are invested;*
  - (j) *An update of net of fees investment returns, asset allocations, and the performance of the funds against benchmarks adopted by the board for each fund, for each asset class administered by the board, and for each manager. The update shall be posted on a quarterly basis for fiscal years beginning on or after July 1, 2021;*
  - (k) *A searchable database of the system's expenditures and a listing of each individual employed by the system along with the employee's salary or wages. In lieu of posting the information required by this paragraph to the Kentucky Public Pensions Authority's Web site, the system may provide the information through a Web site established by the executive branch to inform the public about public employee salaries and wages;*
  - (l) *All contracts or offering documents for services, goods, or property purchased or utilized by the system for contracts or offering documents entered into on or after July 1, 2021; and*
  - (m) *Information regarding the system's financial and actuarial condition that is easily understood by the members, retired members, and the public.*
- (19) *Notwithstanding the requirements of subsection (18) of this section, the system shall not be required to furnish information that is protected under KRS 61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the system's ability to competitively invest in real estate or other asset classes, except that no provision of this section or KRS 61.878 shall exclude disclosure and review of all contracts, including investment contracts, by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705 or the disclosure of investment fees and commissions as provided by this section. If any public record contains material which is not excepted under this section, the system shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination.*
- (20) *Notwithstanding any other provision of KRS 78.510 to 78.852 to the contrary, no funds of the County Employees Retirement System, including fees and commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.*

➔ Section 4. KRS 61.645 is amended to read as follows:

- (1) The ~~{County Employees Retirement System,}~~ Kentucky Employees Retirement System~~{,}~~ and State Police Retirement System shall be administered by the board of trustees of the Kentucky Retirement Systems composed of ***nine (9)***~~{seventeen (17)}~~ members, who shall be selected as follows:
  - (a) ~~{The secretary of the Personnel Cabinet shall serve as trustee for as long as he occupies the position of secretary under KRS 18A.015, except as provided under subsections (5) and (6) of this section;}~~
  - (b) ~~Three (3) trustees, who shall be members or retired from the County Employees Retirement System, elected by the members and retired members of the County Employees Retirement System;~~
  - (c) ~~One (1) trustee, who shall be a member or retired from the State Police Retirement System, elected by the members and retired members of the State Police Retirement System;~~
  - (b)~~{(d)}~~ Two (2) trustees, who shall be members or retired from the Kentucky Employees Retirement System, elected by the members and retired members of the Kentucky Employees Retirement System; and
  - (c)~~{(e)}~~ ***Six (6)***~~{Ten (10)}~~ trustees, appointed by the Governor of the Commonwealth, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Of the ***six (6)***~~{ten (10)}~~ trustees appointed by the Governor, ***three (3) trustees shall have investment experience and three (3) trustees shall have retirement experience***~~{}~~
    1. ~~One (1) trustee shall be knowledgeable about the impact of pension requirements on local governments;~~
    2. ~~One (1) trustee shall be appointed from a list of three (3) applicants submitted by the Kentucky League of Cities;~~
    3. ~~One (1) trustee shall be appointed from a list of three (3) applicants submitted by the Kentucky Association of Counties;~~
    4. ~~One (1) trustee shall be appointed from a list of three (3) applicants submitted by the Kentucky School Boards Association; and~~
    5. ~~Six (6) trustees shall have investment experience.~~
  - (d) For purposes of ***paragraph (c) of this subsection***~~{this subparagraph}~~, a trustee with "investment experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
    - 1.~~{a.}~~ A portfolio manager acting in a fiduciary capacity;
    - 2.~~{b.}~~ A professional securities analyst or investment consultant;
    - 3.~~{c.}~~ A current or retired employee or principal of a trust institution, investment or finance organization, or endowment fund acting in an investment-related capacity;
    - 4.~~{d.}~~ A chartered financial analyst in good standing as determined by the CFA Institute; or
    - 5.~~{e.}~~ A university professor, teaching investment-related studies.
  - (e) ***For purposes of paragraph (c) of this subsection, a trustee with "retirement experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:***
    1. ***Experience in retirement or pension plan management;***
    2. ***A certified public accountant with relevant experience in retirement or pension plan accounting;***
    3. ***An actuary with relevant experience in retirement or pension plan consulting;***
    4. ***An attorney licensed to practice law in the Commonwealth of Kentucky with relevant experience in retirement or pension plans; or***
    5. ***A current or former university professor whose primary area of emphasis is economics or finance.***

- (2) The board is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:
- (a) To sue and be sued in its corporate name;
  - (b) To make bylaws not inconsistent with the law;
  - (c) To conduct the business and promote the purposes for which it was formed;
  - (d) Except as provided in KRS 61.650(6), to contract for investment counseling, ~~actuarial,~~ auditing, medical, and other professional or technical services as required to carry out the obligations of the board subject to KRS Chapters 45, 45A, 56, and 57. ***Actuarial consulting services shall be provided by a firm hired by the Kentucky Public Pensions Authority;***
  - (e) To purchase fiduciary liability insurance;
  - (f) Except as provided in KRS 61.650(6), to acquire, hold, sell, dispose of, pledge, lease, or mortgage, the goods or property necessary to exercise the board's powers and perform the board's duties subject to KRS Chapters 45, 45A, and 56; and
  - (g) The board shall reimburse any trustee, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.
- (3) (a) Notwithstanding the provisions of subsection (1) of this section, each trustee shall serve a term of four (4) years or until his successor is duly qualified except as otherwise provided in this section. An elected trustee or a trustee appointed by the Governor under subsection ~~(1)(c)(1)(e))~~ of this section, shall not serve more than three (3) consecutive four (4) year terms. An elected trustee or a trustee appointed by the Governor under subsection ~~(1)(c)(1)(e))~~ of this section, who has served three (3) consecutive terms may be elected or appointed again after an absence of four (4) years from the board.
- (b) The term limits established by paragraph (a) of this subsection shall apply to trustees serving on or after July 1, 2012, and all terms of office served prior to July 1, 2012, shall be used to determine if the trustee has exceeded the term limits provided by paragraph (a) of this subsection.
- (4) (a) The trustees selected by the membership of each of the various retirement systems shall be elected by ballot. For each trustee to be elected, the board may nominate, not less than six (6) months before a term of office of a trustee is due to expire, three (3) constitutionally eligible individuals.
- (b) Individuals may be nominated by the retirement system members which are to elect the trustee by presenting to the executive director, not less than four (4) months before a term of office of a trustee is due to expire, a petition, bearing the name, last four digits of the Social Security number, and signature of no less than one-tenth (1/10) of the number voting in the last election by the retirement system members.
- (c) Within four (4) months of the nominations made in accordance with paragraphs (a) and (b) of this subsection, the executive director shall cause to be prepared an official ballot. The ballot shall include the name, address, and position title of each individual nominated by the board and by petition. Provisions shall also be made for write-in votes.
- (d) Except as provided by paragraph (j) of this subsection, the ballots shall be distributed to the eligible voters by mail to their last known residence address.
- (e) The ballots shall be addressed to the Kentucky Retirement Systems in care of a predetermined box number at a United States Post Office ~~located within Kentucky~~ or submitted electronically as provided by paragraph (j) of this subsection. Access to this post office box shall be limited to the board's contracted ~~auditing~~ firm. The individual receiving a plurality of votes shall be declared elected.
- (f) The eligible voter shall cast his ballot by ***selecting*** ~~checking a square opposite the name of~~ the candidate of his choice. He shall sign and mail the ballot or submit the electronic ballot at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date, or date of submission in the case of electronic ballots, shall be provided on the ballot.



- (g) The board's contracted ~~[-auditing]~~ firm shall report in writing the outcome to the chair of the board of trustees. Cost of an election shall be payable from the funds of the system for which the trustee is elected.
  - (h) For purposes of this subsection, an eligible voter shall be a person who was a member of the retirement system on December 31 of the year preceding the election year.
  - (i) Each individual who submits a request to be nominated by the board under paragraph (a) of this subsection and each individual who is nominated by the membership under paragraph (b) of this subsection shall:
    - 1. Complete an application developed by the retirement systems which shall include but not be limited to a disclosure of any prior felonies and any conflicts of interest that would hinder the individual's ability to serve on the board;
    - 2. Submit a resume detailing the individual's education and employment history and a cover letter detailing the member's qualifications for serving as trustee to the board; and
    - 3. Authorize the systems to have a criminal background check performed. The criminal background check shall be performed by the Department of Kentucky State Police.
  - (j) In lieu of the ballots mailed to members and retired members as provided by this subsection, the systems may by promulgation of administrative regulation pursuant to KRS Chapter 13A conduct trustee elections using electronic ballots, except that the systems shall mail a paper ballot upon request of any eligible voter.
- (5) Any vacancy which may occur in an appointed position shall be filled in the same manner which provides for the selection of the particular trustee, and any vacancy which may occur in an elected position shall be filled by appointment by a majority vote of the remaining elected trustees with a person selected from the system in which the vacancy occurs, and if the secretary of the Personnel Cabinet resigns his position as trustee, it shall be filled by appointment made by the Governor; however, any vacancy shall be filled only for the duration of the unexpired term. In the event of a vacancy of an elected trustee, Kentucky Retirement Systems shall notify members of the system in which the vacancy occurs of the vacancy and the opportunity to be considered for the vacant position. Any vacancy shall be filled within ninety (90) days of the position becoming vacant.
- (6) (a) Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists. No trustee shall serve in more than one (1) position as trustee on the board; and if a trustee holds more than one (1) position as trustee on the board, he shall resign a position.
- (b) A trustee shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.
- (c) A current or former employee of Kentucky Retirement Systems, ***County Employees Retirement System, or the Kentucky Public Pensions Authority*** shall not be eligible to serve as a member of the board.
- (7) Trustees who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards.
- (8) (a) The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the executive director.
- (b) The board shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice-chair of the board. The vice-chair shall not serve more than four (4) consecutive years as chair or vice-chair of the board. A trustee who has served four (4) consecutive years as chair or vice-chair of the board may be elected chair or vice-chair of the board after an absence of two (2) years from the positions.
- (c) A majority of the trustees shall constitute a quorum and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.
- (9) (a) The board of trustees shall appoint or contract for the services of ***a chief executive officer*** ~~[-an executive director]~~ and fix the compensation and other terms of employment for this position without limitation of the provisions of KRS Chapters 18A and KRS 64.640. ***The chief executive officer shall serve as the***

*legislative, legal, and executive advisor to the board and shall work with the executive director of the Kentucky Public Pensions Authority to carry out the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705.* The executive director of the Kentucky Public Pensions Authority shall be the chief administrative officer of the board.

- (b) *Prior to April 1, 2021*, the board of trustees shall authorize the executive director to appoint the employees deemed necessary to transact the business of the system. *Prior to July 1, 2021*, all employees of the systems, except for the executive director, shall be subject to the state personnel system established pursuant to KRS 18A.005 to 18A.204 and shall have their salaries determined by the secretary of the Personnel Cabinet. *Effective April 1, 2021, the responsibility of appointing employees and managing personnel needs shall be transferred to the Kentucky Public Pensions Authority established by Section 2 of this Act.*
- (c) The board shall require the *chief* executive officer~~[director and the employees as it thinks proper]~~ to execute bonds for the faithful performance of *his or her*~~[their]~~ duties notwithstanding the limitations of KRS Chapter 62.
- (d) The board shall ~~have~~~~[establish]~~ a system of accounting *established by the Kentucky Public Pensions Authority.*
- (e) The board shall do all things, take all actions, and promulgate all administrative regulations, not inconsistent with the provisions of KRS 16.505 to 16.652 ~~and~~~~[,]~~ 61.510 to 61.705~~[, and 78.510 to 78.852]~~, necessary or proper in order to carry out the provisions of KRS 16.505 to 16.652 ~~and~~~~[,]~~ 61.510 to 61.705~~[, and 78.510 to 78.852]~~. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 16.505 to 16.652 ~~and~~~~[,]~~ 61.510 to 61.705~~[, and 78.510 to 78.852]~~ conform with federal statute or regulation and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 16.505 to 16.652 ~~and~~~~[,]~~ 61.510 to 61.705~~[, and 78.510 to 78.852]~~ which conflict with federal statute or regulation or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate administrative regulations to conform with federal statute and regulation and to meet the qualification requirements under 26 U.S.C. sec. 401(a), including an administrative regulation to comply with 26 U.S.C. sec. 401(a)(9).
- (f) *Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of KRS 16.505 to 16.652 and 61.510 to 61.705 by executive order or action, including but not limited to reorganizing, replacing, amending, or abolishing the membership of the Kentucky Retirement Systems board of trustees.*
- (10) Notwithstanding any statute to the contrary, employees shall not be considered legislative agents under KRS 6.611.
- (11) The Attorney General, or an assistant designated by him, may attend each meeting of the board and may receive the agenda, board minutes, and other information distributed to trustees of the board upon request. The Attorney General may act as legal adviser and attorney for the board, and the board may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.
- (12) (a) The system shall publish an annual financial report showing all receipts, disbursements, assets, and liabilities. The annual report shall include a copy of an audit 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. All proceedings and records of the board shall be open for inspection by the public. The system shall make copies of the audit required by this subsection available for examination by any member, retiree, or beneficiary in the office of the executive director of the Kentucky Retirement Systems and in other places as necessary to make the audit available to all members, retirees, and beneficiaries. A copy of the annual audit shall be sent to the Legislative Research Commission no later than ten (10) days after receipt by the board.
- (b) At least 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.

- (13) All expenses incurred by or on behalf of the system and the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. Any other statute to the contrary notwithstanding, authorization for all expenditures relating to the administrative operations of the system shall be contained in the biennial budget unit request, branch budget recommendation, and the financial plan adopted by the General Assembly pursuant to KRS Chapter 48.
- (14) Any person adversely affected by a decision of the board, except as provided under subsection (16) of this section or KRS 61.665, involving KRS 16.505 to 16.652 ~~and~~ 61.510 to 61.705 ~~and 78.510 to 78.852~~, may appeal the decision of the board to the Franklin Circuit Court within sixty (60) days of the board action.
- (15)
  - (a) A trustee shall discharge his duties as a trustee, including his duties as a member of a committee:
    - 1. In good faith;
    - 2. On an informed basis; and
    - 3. In a manner he honestly believes to be in the best interest of the Kentucky Retirement Systems.
  - (b) A trustee discharges his duties on an informed basis if, when he makes an inquiry into the business and affairs of the Kentucky Retirement Systems or into a particular action to be taken or decision to be made, he exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.
  - (c) In discharging his duties, a trustee may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
    - 1. One (1) or more officers or employees of the Kentucky Retirement Systems whom the trustee honestly believes to be reliable and competent in the matters presented;
    - 2. Legal counsel, public accountants, actuaries, or other persons as to matters the trustee honestly believes are within the person's professional or expert competence; or
    - 3. A committee of the board of trustees of which he is not a member if the trustee honestly believes the committee merits confidence.
  - (d) A trustee shall not be considered as acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.
  - (e) Any action taken as a trustee, or any failure to take any action as a trustee, shall not be the basis for monetary damages or injunctive relief unless:
    - 1. The trustee has breached or failed to perform the duties of the trustee's office in compliance with this section; and
    - 2. In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.
  - (f) A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the Kentucky Retirement Systems.
  - (g) Nothing in this section shall eliminate or limit the liability of any trustee for any act or omission occurring prior to July 15, 1988.
  - (h) In discharging his or her administrative duties under this section, a trustee shall strive to administer the retirement system in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky ***and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.***
- (16) When an order by the system substantially impairs the benefits or rights of a member, retired member, or recipient, except action which relates to entitlement to disability benefits, or when an employer disagrees with an order of the system as provided by KRS 61.598, the affected member, retired member, recipient, or employer may request a hearing to be held in accordance with KRS Chapter 13B. The board may establish an appeals committee whose members shall be appointed by the chair and who shall have authority to act upon

the recommendations and reports of the hearing officer on behalf of the board. The member, retired member, recipient, or employer aggrieved by a final order of the board following the hearing may appeal the decision to the Franklin Circuit Court, in accordance with KRS Chapter 13B. *The board may establish a joint administrative appeals committee with the County Employees Retirement System and may also establish a joint disability appeals committee with the County Employees Retirement System.*

- (17) The board shall give the Kentucky Education Support Personnel Association twenty-four (24) hours notice of the board meetings, to the extent possible.
- (18) The board shall establish a formal trustee education program for all trustees of the board. The program shall include but not be limited to the following:

- (a) A required orientation program for all new trustees elected or appointed to the board. The orientation program shall include training on:
1. Benefits and benefits administration;
  2. Investment concepts, policies, and current composition and administration of retirement systems investments;
  3. Laws, bylaws, and administrative regulations pertaining to the retirement systems and to fiduciaries; and
  4. Actuarial and financial concepts pertaining to the retirement systems.

If a trustee fails to complete the orientation program within one (1) year from the beginning of his or her first term on the board, the retirement systems shall withhold payment of the per diem and travel expenses due to the board member under this section and KRS 16.640 ~~and 78.780~~ until the trustee has completed the orientation program;

- (b) Annual required training for board members on the administration, benefits, financing, and investing of the retirement systems. If a trustee fails to complete the annual required training during the calendar or fiscal year, the retirement systems shall withhold payment of the per diem and travel expenses due to the board member under this section and KRS 16.640 ~~and 78.780~~ until the board member has met the annual training requirements; and
- (c) The retirement systems shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the trustee education program.
- (19) In order to improve public transparency regarding the administration of the systems, the board of trustees shall adopt a best practices model by posting the following information to the **Kentucky Public Pensions Authority's**~~retirement systems~~ Web site and shall make available to the public:

- (a) Meeting notices and agendas for all meetings of the board. Notices and agendas shall be posted to the **Kentucky Public Pensions Authority's**~~retirement systems~~ Web site at least seventy-two (72) hours in advance of the board or committee meetings, except in the case of special or emergency meetings as provided by KRS 61.823;
- (b) The Comprehensive Annual Financial Report with the information as follows:
1. A general overview and update on the retirement systems by the executive director;
  2. A listing of the board of trustees;
  3. A listing of key staff;
  4. An organizational chart;
  5. Financial information, including a statement of plan net assets, a statement of changes in plan net assets, an actuarial value of assets, a schedule of investments, a statement of funded status and funding progress, and other supporting data;
  6. Investment information, including a general overview, a list of the retirement system's professional consultants, a total net of fees return on retirement systems investments over a historical period, an investment summary, contracted investment management expenses, transaction commissions, and a schedule of investments;
  7. The annual actuarial valuation report on the pension benefit and the medical insurance benefit; and

8. A general statistical section, including information on contributions, benefit payouts, and retirement systems' demographic data;
  - (c) All external audits;
  - (d) All board minutes or other materials that require adoption or ratification by the board of trustees. The items listed in this paragraph shall be posted within seventy-two (72) hours of adoption or ratification of the board;
  - (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
  - (f) The retirement systems' summary plan description;
  - (g) A document containing an unofficial copy of the statutes governing the systems administered by Kentucky Retirement Systems;
  - (h) A listing of the members of the board of trustees and membership on each committee established by the board, including any investment committees;
  - (i) All investment holdings in aggregate, fees, and commissions for each fund administered by the board, which shall be updated on a quarterly basis for fiscal years beginning on or after July 1, 2017. The systems shall request from all managers, partnerships, and any other available sources all information regarding fees and commissions and shall, based on the requested information received:
    1. Disclose the dollar value of fees and commissions paid to each individual manager or partnership;
    2. Disclose the dollar value of any profit sharing, carried interest, or any other partnership incentive arrangements, partnership agreements, or any other partnership expenses received by or paid to each manager or partnership; and
    3. As applicable, report each fee or commission by manager or partnership consistent with standards established by the Institutional Limited Partners Association (ILPA).

In addition to the requirements of this paragraph, the systems shall also disclose the name and address of all individual underlying managers or partners in any fund of funds in which system assets are invested;
  - (j) An update of net of fees investment returns, asset allocations, and the performance of the funds against benchmarks adopted by the board for each fund, for each asset class administered by the board, and for each manager. The update shall be posted on a quarterly basis for fiscal years beginning on or after July 1, 2017;
  - (k) A searchable database of the systems' expenditures and a listing of each individual employed by the systems along with the employee's salary or wages. In lieu of posting the information required by this paragraph to the **Kentucky Public Pensions Authority's** ~~systems'~~ Web site, the systems may provide the information through a Web site established by the executive branch to inform the public about executive branch agency expenditures and public employee salaries and wages;
  - (l) All contracts or offering documents for services, goods, or property purchased or utilized by the systems; and
  - (m) Information regarding the systems' financial and actuarial condition that is easily understood by the members, retired members, and the public.
- (20) Notwithstanding the requirements of subsection (19) of this section, the retirement systems shall not be required to furnish information that is protected under KRS 61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the retirement systems' ability to competitively invest in real estate or other asset classes, except that no provision of this section or KRS 61.878 shall exclude disclosure and review of all contracts, including investment contracts, by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705 or the disclosure of investment fees and commissions as provided by this section. If any public record contains material which is not excepted under this section, the systems shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination.
- (21) Notwithstanding any other provision of KRS 16.505 to 16.652 ~~and~~ 61.510 to 61.705, ~~and 78.510 to 78.852~~ to the contrary, no funds of the systems administered by Kentucky Retirement Systems, including fees and

commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.

➔Section 5. KRS 78.790 is amended to read as follows:

- (1) (a) The board shall be the trustee of the several funds created by KRS 78.510 to 78.852, ***and the County Employees Retirement System insurance trust fund as provided by Section 27 of this Act,*** and shall have full ***and exclusive*** power to invest and reinvest such funds ***in accordance with federal law***~~[subject to the limitations that no investments shall be made except upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state except that the board may, at its discretion, purchase common stocks in corporations that do not have a record of paying dividends to their stockholders. Subject to such limitations, the board shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities or investments in which any of the funds created herein have been invested, as well as of the proceeds of such investments and any moneys belonging to such funds].~~
  - (b) 1. *The board shall establish an investment committee that shall include members of the board with investment experience, elected members, or other members as determined by the board chair, and may also include non-voting members who have investment expertise.*
  2. *The investment committee shall have authority to implement the investment policies adopted by the board and act on behalf of the board on all investment-related matters and to acquire, sell, safeguard, monitor, and manage the assets and securities of the several funds.*
  - (c) *A trustee, officer, employee, employee of the Kentucky Public Pensions Authority, or other fiduciary shall discharge duties with respect to the system:*
    1. *Solely in the interest of the members and beneficiaries;*
    2. *For the exclusive purpose of providing benefits to members and beneficiaries and paying reasonable expenses of administering the system;*
    3. *With the care, skill, and caution under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;*
    4. *Impartially, taking into account any differing interests of members and beneficiaries;*
    5. *Incurring any costs that are appropriate and reasonable; and*
    6. *In accordance with a good-faith interpretation of the law governing the system.*
  - (d) *In addition to the standards of conduct prescribed by paragraph (c) of this subsection:*
    1. *All internal investment staff, including investment staff of the Kentucky Public Pensions Authority, and investment consultants shall adhere to the Code of Ethics and Standards of Professional Conduct, and all board trustees shall adhere to the Code of Conduct for Members of a Pension Scheme Governing Body. All codes cited in this subparagraph are promulgated by the CFA Institute; and*
    2. *Investment managers shall comply with all applicable provisions of the federal Investment Advisers Act of 1940, as amended, and the rules and regulations promulgated thereunder, and shall comply with all other applicable federal securities statutes and related rules and regulations that apply to investment managers.*
- (2) All securities acquired under the authority of KRS 78.510 to 78.852 shall be registered in the name ***County Employees Retirement System***~~[Kentucky Retirement Systems]~~ or nominee name as provided by KRS 286.3-225 and every change in registration, by reason of sale or assignment of such securities, shall be accomplished pursuant to written policies adopted by the board.
- (3) The board, in keeping with its responsibility as the trustee and wherever feasible, shall give priority to the investment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth.

- (4) *The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for the system relative to the acquisition or disposition of property, until such time as all of the property has been acquired or sold, shall be excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction* ~~[investment committee established pursuant to KRS 61.650 shall serve as the investment committee of the funds established by KRS 78.510 to 78.852].~~
- (5) Based upon market value at the time of purchase, the board shall limit the amount of assets managed by any one (1) active or passive investment manager to fifteen percent (15%) of the assets in the pension and insurance funds.
- (6) *All contracts for the investment or management of assets of the system shall not be subject to KRS Chapters 45, 45A, 56, and 57. Instead, the board shall conduct the following process to develop and adopt an investment procurement policy with which all prospective contracts for the investment or management of assets of the system shall comply:*
- (a) *The board shall consult with the secretary of the Finance and Administration Cabinet or his or her designee to develop an investment procurement policy, which shall be written to meet best practices in investment management procurement;*
  - (b) *Thirty (30) days prior to adoption, the board shall tender the preliminary investment procurement policy to the secretary of the Finance and Administration Cabinet or his or her designee for review and comment;*
  - (c) *Upon receipt of comments from the secretary of the Finance and Administration Cabinet or his or her designee, the board shall choose to adopt or not adopt any recommended changes;*
  - (d) *Upon adoption, the board shall tender the final investment procurement policy to the secretary of the Finance and Administration Cabinet or his or her designee;*
  - (e) *No later than thirty (30) days after receipt of the investment procurement policy, the secretary or his or her designee shall certify whether the board's investment procurement policy meets or does not meet best practices for investment management procurement; and*
  - (f) *Any amendments to the investment procurement policy shall adhere to the requirements set forth by paragraphs (b) to (e) of this subsection.*

➔Section 6. KRS 61.650 is amended to read as follows:

- (1) (a) The board shall be the trustee of the several funds created by KRS 16.510, 61.515, *and 61.701 as it pertains to the trust fund for the Kentucky Retirement Systems insurance trust fund* ~~[and 78.520]~~, notwithstanding the provisions of any other statute to the contrary, and shall have exclusive power to invest and reinvest such funds in accordance with federal law.
- (b) 1. The board shall establish an investment committee whose membership shall be composed of the following:
- a. *The three (3)* ~~[The six (6)]~~ trustees appointed by the Governor pursuant to *Section 4 of this Act who have investment experience* ~~[KRS 61.645(1)(c)5.]~~; and
  - b. *Additional* ~~[Three (3)]~~ trustees appointed by the board chair.
2. The investment committee shall have authority to implement the investment policies adopted by the board and act on behalf of the board on all investment-related matters and to acquire, sell, safeguard, monitor, and manage the assets and securities of the several funds.
- (c) A trustee, officer, employee, *employee of the Kentucky Public Pensions Authority*, or other fiduciary shall discharge duties with respect to the retirement system:
- 1. Solely in the interest of the members and beneficiaries;
  - 2. For the exclusive purpose of providing benefits to members and beneficiaries and paying reasonable expenses of administering the system;
  - 3. With the care, skill, and caution under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;
  - 4. Impartially, taking into account any differing interests of members and beneficiaries;

5. Incurring any costs that are appropriate and reasonable; and
  6. In accordance with a good-faith interpretation of the law governing the retirement system.
- (d) In addition to the standards of conduct prescribed by paragraph (c) of this subsection:
1. All internal investment staff, ***including investment staff of the Kentucky Public Pensions Authority***, and investment consultants shall adhere to the Code of Ethics and Standards of Professional Conduct, and all board trustees shall adhere to the Code of Conduct for Members of a Pension Scheme Governing Body. All codes cited in this subparagraph are promulgated by the CFA Institute; and
  2. Investment managers shall comply with all applicable provisions of the federal Investment Advisers Act of 1940, as amended, and the rules and regulations promulgated thereunder, and shall comply with all other applicable federal securities statutes and related rules and regulations that apply to investment managers.
- (2) All securities acquired under authority of KRS 61.510 to 61.705 shall be registered in the name "Kentucky Retirement Systems" or nominee name as provided by KRS 286.3-225 and every change in registration, by reason of sale or assignment of such securities, shall be accomplished pursuant to written policies adopted by the board.
  - (3) The board, in keeping with its responsibility as trustee and wherever consistent with its fiduciary responsibilities, shall give priority to the investment of funds in obligation calculated to improve the industrial development and enhance the economic welfare of the Commonwealth.
  - (4) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for the system relative to the acquisition or disposition of property, until such time as all of the property has been acquired or sold, shall be excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction.
  - (5) Based upon market value at the time of purchase, the board shall limit the amount of assets managed by any one (1) active or passive investment manager to fifteen percent (15%) of the assets in the pension and insurance funds.
  - (6) All contracts for the investment or management of assets of the systems shall not be subject to KRS Chapters 45, 45A, 56, and 57. Instead, the board shall conduct the following process to develop and adopt an investment procurement policy with which all prospective contracts for the investment or management of assets of the systems shall comply:
    - (a) On or before July 1, 2017, the board shall consult with the secretary of the Finance and Administration Cabinet or his or her designee to develop an investment procurement policy, which shall be written to meet best practices in investment management procurement;
    - (b) Thirty (30) days prior to adoption, the board shall tender the preliminary investment procurement policy to the secretary of the Finance and Administration Cabinet or his or her designee for review and comment;
    - (c) Upon receipt of comments from the secretary of the Finance and Administration Cabinet or his or her designee, the board shall choose to adopt or not adopt any recommended changes;
    - (d) Upon adoption, the board shall tender the final investment procurement policy to the secretary of the Finance and Administration Cabinet or his or her designee;
    - (e) No later than thirty (30) days after receipt of the investment procurement policy, the secretary or his or her designee shall certify whether the board's investment procurement policy meets or does not meet best practices for investment management procurement; and
    - (f) Any amendments to the investment procurement policy shall adhere to the requirements set forth by paragraphs (b) to (e) of this subsection.

➔SECTION 7. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO READ AS FOLLOWS:

- (1) (a) ***As soon as practicable after its organization, the County Employees Retirement System board shall adopt the actuarial tables, assumptions, and methods necessary for the administration of the system and for the annual determination of actuarial assets, actuarial liabilities, and recommended***



*employer contribution rates of the system as provided by Sections 8 and 28 of this Act, for the pension and retiree health funds.*

- (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 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) year period, the board shall cause an actuarial investigation to be made of all the experience under the 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 employer contributions required under 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 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.*
- (2) *A copy of each five (5) year actuarial investigation, actuarial analysis, and annual 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 County Employees Retirement System. The actuarial valuation required by subsection (1)(b) of this section shall be submitted no later than November 15 following the close of the fiscal year. In addition, the County Employees Retirement System shall submit a summary of the actuarial valuation to the Public Pension Oversight Board by December 31 following completion of the actuarial valuation which shall include the employer contribution rates to be payable by participating employers in the upcoming fiscal year, key actuarial statistics and trends, any changes in assumptions or methods since the last valuation, and other pertinent actuarial data and information.*

➔SECTION 8. A NEW SECTION OF KRS 78.510 TO 78.852 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Except as provided by subsection (5) of this section, each employer participating in the County Employees Retirement System as provided for in KRS 78.510 to 78.852 shall contribute annually to the system an amount equal to the percent, as computed under subsection (2) of this section, of the*

*creditable compensation of its employees to be known as the "normal contributions," and an additional amount to be known as the "actuarially accrued liability contribution" which shall be computed by amortizing the total unfunded actuarially accrued liability over a period of thirty (30) years using the level-percentage-of-payroll amortization method. The thirty (30) year amortization period shall begin with the 2013 actuarial valuation.*

- (b) *Any significant increase in the actuarially accrued liability due to benefit improvements shall be amortized using the level-percentage-of-payroll amortization method over a separate thirty (30) year period commencing in the year of the actuarial valuation in which the benefit improvements are first reflected.*
- (2) *The normal contribution rate shall be determined by the entry age normal cost funding method. The actuarially accrued liability shall be determined by actuarial method consistent with the methods prescribed for determining the normal contribution rate. Normal contributions and the actuarially accrued liability contribution shall be determined on actuarial assumptions and methods adopted by the board.*
- (3) *Normal contribution and the actuarially accrued liability contribution rates shall be determined by the board on the basis of the annual actuarial valuation last preceding the July 1 of a new fiscal year.*
- (4) *Employer contribution rates as provided by this section shall:*
  - (a) *Be developed separately for employers providing benefits to employees in nonhazardous positions and for employers providing benefits to employees in hazardous positions; and*
  - (b) *Include an employer contribution rate to fund pension benefits and an employer contribution rate to fund retiree health benefits.*
- (5) *The employer contribution rate established by the board for the County Employees Retirement System that is payable on or after July 1, 2018, and until June 30, 2028, for the pension and retiree health insurance funds, including the normal cost contribution and the actuarially accrued liability contribution for each fund, shall not increase by more than a factor of one and twelve one hundredths (1.12) over the prior fiscal year's employer contribution rate as determined by the system's consulting actuary.*
- (6) *The system shall advise each employer prior to the beginning of each fiscal year of any change in the employer contribution rate. Based on the employer contribution rate, each employer shall include in the budget sufficient funds to pay the employer contributions as determined by the board under this section.*

➔Section 9. 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 shall 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 to the systems of implementing the legislation over the twenty (20) year period. 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) A statement that the cost is negligible or indeterminable shall not be considered in compliance with this section. If a cost cannot be determined by the actuary in accordance with paragraph (a) of this subsection, then the systems shall certify in writing:
  - 1. The estimated number of individuals affected;
  - 2. The estimated change in benefit payments;
  - 3. The estimated change to employer costs; and

4. The estimated change to administrative expenses.
- (d) 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.
- (e) An actuarial analysis required by this section shall be prepared by an actuary who is a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries.
- (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:
  - (a) "State-administered retirement system" shall include:
    1. 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 ~~and~~ 61.510 to 61.705~~[- and 78.510 to 78.852];~~
    2. The Kentucky Teachers' Retirement System established under KRS 161.220 to 161.716;
    3. The Judicial Retirement Plan established under KRS 21.345 to 21.580; ~~and~~
    4. The Legislators' Retirement Plan established under KRS 6.500 to 6.577; and
    5. ***The County Employees Retirement System established under KRS 78.510 to 78.852; and***
  - (b) "Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage.

➔Section 10. KRS 7A.250 is repealed, reenacted, and 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) May, once every five (5) years, review the benefits provided to employees who begin participating in the systems administered by Kentucky Retirement Systems ***or the County Employees Retirement System*** on or after January 1, 2014~~[- and the Teachers' Retirement System on or after January 1, 2019]~~, 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;
- (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) May prior to each budget biennium occurring on or after July 1, 2020, 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 once every four (4) years review the administrative expenses of the state-administered retirement systems. The review shall include but not limited to evaluating the level and growth of administrative costs, the potential for legislative changes to reduce administrative costs, and administrative changes the systems may make to reduce administrative costs and staffing needs; and***
- ~~(11)(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 11. KRS 11A.010 is amended to read as follows:

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

- (1) "Business" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted, whether or not for profit;
- (2) "Commission" means the Executive Branch Ethics Commission;
- (3) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;
- (4) "Family" means spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption: parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister;
- (5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, the waiver of a registration fee for a presenter at a conference or training described in KRS 45A.097(5), or door prizes available to the public;
- (6) "Income" means any money or thing of value received or to be received as a claim on future services, whether in the form of a fee, salary, expense allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of compensation or any combination thereof;
- (7) "Officer" means:
  - (a) All major management personnel in the executive branch of state government, including the secretary of the cabinet, the Governor's chief executive officers, cabinet secretaries, deputy cabinet secretaries, general counsels, commissioners, deputy commissioners, executive directors, executive assistants, policy advisors, special assistants, administrative coordinators, executive advisors, staff assistants, and division directors;

- (b) Members and full-time chief administrative officers of:
  - 1. The Parole Board;
  - 2. Kentucky Claims Commission;
  - 3. Kentucky Retirement Systems board of trustees;
  - 4. Kentucky Teachers' Retirement System board of trustees;
  - 5. The Kentucky Public Employees Deferred Compensation Authority board of trustees;
  - 6. Public Service Commission;
  - 7. Worker's Compensation Board and its administrative law judges;
  - 8. The Kentucky Occupational Safety and Health Review Commission;
  - 9. The Kentucky Board of Education; ~~and~~
  - 10. The Council on Postsecondary Education;
  - 11. County Employees Retirement System board of trustees; and**
  - 12. Kentucky Public Pensions Authority;**
- (c) Salaried members of executive branch boards and commissions; and
- (d) Any person who, through a personal service contract or any other contractual employment arrangement with an agency, performs on a full-time, nonseasonal basis a function of any major management position listed in this subsection;
- (8) "Official duty" means any responsibility imposed on a public servant by virtue of his or her position in the state service;
- (9) "Public servant" means:
  - (a) The Governor;
  - (b) The Lieutenant Governor;
  - (c) The Secretary of State;
  - (d) The Attorney General;
  - (e) The Treasurer;
  - (f) The Commissioner of Agriculture;
  - (g) The Auditor of Public Accounts;
  - (h) All employees in the executive branch including officers as defined in subsection (7) of this section and merit employees; and
  - (i) Any person who, through any contractual arrangement with an agency, is employed to perform a function of a position within an executive branch agency on a full-time, nonseasonal basis;
- (10) "Agency" means every state office, cabinet, department, board, commission, public corporation, or authority in the executive branch of state government. A public servant is employed by the agency by which his or her appointing authority is employed, unless his or her agency is attached to the appointing authority's agency for administrative purposes only, or unless the agency's characteristics are of a separate independent nature distinct from the appointing authority and it is considered an agency on its own, such as an independent department;
- (11) "Lobbyist" means any person employed as a legislative agent as defined in KRS 6.611(23) or any person employed as an executive agency lobbyist as defined in KRS 11A.201(8);
- (12) "Lobbyist's principal" means the entity in whose behalf the lobbyist promotes, opposes, or acts;
- (13) "Candidate" means those persons who have officially filed candidacy papers or who have been nominated by their political party pursuant to KRS 118.105, 118.115, 118.325, or 118.760 for any of the offices enumerated in subsections (9)(a) to (g) of this section;

- (14) "Does business with" or "doing business with" means contracting, entering into an agreement, leasing, or otherwise exchanging services or goods with a state agency in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement;
- (15) "Public agency" means any governmental entity;
- (16) "Appointing authority" means the agency head or any person whom he or she has authorized by law to act on behalf of the agency with respect to employee appointments;
- (17) "Represent" means to attend an agency proceeding, write a letter, or communicate with an employee of an agency on behalf of someone else;
- (18) "Directly involved" means to work on personally or to supervise someone who works on personally;
- (19) "Sporting event" means any professional or amateur sport, athletic game, contest, event, or race involving machines, persons, or animals, for which admission tickets are offered for sale and that is viewed by the public;
- (20) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert; and
- (21) "Salaried" means receiving a fixed compensation or benefit reserved for full-time employees, which is paid on a regular basis without regard to the actual number of hours worked.

➔Section 12. KRS 11A.201 is amended to read as follows:

As used in KRS 11A.201 to 11A.246 and KRS 11A.990:

- (1) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;
- (2) (a) "Expenditure" means any of the following that is made to, or for the benefit of an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of any of the officials listed in this paragraph:
  - 1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
  - 2. A contract, promise, or agreement to make an expenditure; or
  - 3. The purchase, sale, or gift of services or any other thing of value.
- (b) "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this subsection. "Expenditure" does not include a payment, contribution, gift, purchase, or any other thing of value that is made to or on behalf of any elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials listed in this paragraph who works for a state agency for which the executive agency lobbyist is not registered to influence;
- (3) "Employer" means any person who engages an executive agency lobbyist;
- (4) "Engage" means to make any arrangement, and "engagement" means arrangement, whereby an individual is employed or retained for compensation to act for or on behalf of an employer to influence executive agency decisions or to conduct any executive agency lobbying activity;
- (5) (a) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, or the ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:
  - 1. An executive agency lobbyist, his or her employer, a real party in interest, or a member of the immediate family of the executive agency lobbyist, his or her employer, or a real party in interest; and

2. Any elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials listed in this subparagraph.
- (b) "Financial transaction" does not include any transaction or activity described in paragraph (a) of this subsection if it is available to the general public on the same terms;
- (6) "Executive agency" means the office of an elected executive official, a cabinet listed in KRS 12.250, or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to his or her authority. "Executive agency" does not include any court or the General Assembly;
- (7) "Executive agency decision" means a decision of an executive agency regarding the expenditure of funds of the state or of an executive agency with respect to the award of a contract, grant, lease, or other financial arrangement under which those funds are distributed or allocated. This shall also include decisions made concerning:
  - (a) The parameters of requests for information and requests for proposals;
  - (b) Drafting, adopting, or implementing a budget provision;
  - (c) Administrative regulations or rules;
  - (d) An executive order;
  - (e) Legislation or amendments thereto; or
  - (f) Other public policy decisions;
- (8) (a) "Executive agency lobbyist" means any person engaged to influence executive agency decisions or to conduct executive agency lobbying activity as one (1) of his or her main purposes regarding a substantial issue, including associations, coalitions, or public interest entities formed for the purpose of promoting or otherwise influencing executive agency decisions. The term "executive agency lobbyist" shall also include placement agents and unregulated placement agents.
- (b) "Executive agency lobbyist" does not include an elected or appointed officer or employee of a federal or state agency, state college, state university, or political subdivision who attempts to influence or affect executive agency decisions in his or her fiduciary capacity as a representative of his or her agency, college, university, or political subdivision;
- (9) (a) "Executive agency lobbying activity" means contacts made to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation or otherwise influence the outcome of an executive agency decision by direct communication with an elected executive official, the secretary of any cabinet listed in KRS 12.250, any executive agency official whether in the classified service or not, or a member of the staff of any one of the officials listed in this paragraph.
- (b) "Executive agency lobbying activity" does not include any of the following:
  1. The action of any person having a direct interest in executive agency decisions, if the person acting under Section 1 of the Kentucky Constitution, assembles together with other persons for their common good, petitions any person listed in paragraph (a) of this subsection for the redress of grievances or other proper purposes;
  2. Contacts made for the sole purpose of gathering information contained in a public record;
  3. Appearances before public meetings of executive agencies;
  4. News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;
  5. The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in subparagraph 4. of this paragraph;
  6. Publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;
  7. Professional services in preparing executive agency decisions, preparing arguments regarding executive agency decisions, or in advising clients and rendering opinions regarding proposed or pending executive agency decisions, if the services are not otherwise connected to lobbying; or

8. Public comments submitted to an executive agency during the public comment period on administrative regulations or rules;
- (10) "Executive agency official" means an officer or employee of an executive agency whose principal duties are to formulate policy or to participate directly or indirectly in the preparation, review, or award of contracts, grants, leases, or other financial arrangements with an executive agency;
- (11) "Aggrieved party" means a party entitled to resort to a remedy;
- (12) "Elected executive official" means the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and Commissioner of Agriculture;
- (13) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert;
- (14) "Staff" means any employee of the office of the Governor, or a cabinet listed in KRS 12.250, whose official duties are to formulate policy and who exercises administrative or supervisory authority, or who authorizes the expenditure of state funds;
- (15) "Real party in interest" means the person or entity on whose behalf an executive agency lobbyist is acting, if that person or entity is not the employer of the executive agency lobbyist;
- (16) "Substantial issue" means contacts which are intended to influence a decision that involves one or more disbursements of state funds in an amount of at least five thousand dollars (\$5,000) per year, or any budget provision, administrative regulation or rule, legislative matter, or other public policy matter that financially impacts the executive agency lobbyist or his or her employer;
- (17) "Placement agent" means an individual or firm who is compensated or hired by an employer or other real party in interest for the purpose of influencing an executive agency decision regarding the investment of the Kentucky Retirement Systems, *the County Employees Retirement System*, or the Kentucky Teachers' Retirement System assets; and
- (18) "Unregulated placement agent" means a placement agent who is prohibited by federal securities laws and regulations promulgated thereunder from receiving compensation for soliciting a government agency.

➔Section 13. KRS 11A.236 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.
- (2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit:
  - (a) Any person from compensating his or her sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or
  - (b) Any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems, *County Employees Retirement System*, and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

➔Section 14. KRS 18A.205 is amended to read as follows:

- (1) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary, may procure from one (1) or more life insurance companies, authorized to do business in this state, a policy or policies of group life insurance insuring the lives of all or any class or classes of public employees. The policy or policies shall be approved by the commissioner of insurance and may contain such provisions as the



commissioner of insurance approves whether or not otherwise permitted by the insurance laws. It is intended that life insurance may be made available for public employees, except that the procuring is permissive.

- (2) (a) As used in KRS 18A.205 to 18A.215, "public employee" shall mean a person who:
  1. Is regularly employed by a public employer; and
  2. Is also:
    - a. A contributing member of any one (1) of the state-administered retirement systems;
    - b. A retiree of a state-administered retirement system who is employed in a regular full-time position for purposes of retirement coverage, but who is not eligible to contribute to one (1) of the systems administered by Kentucky Retirement Systems *or County Employees Retirement System* pursuant to KRS 61.637(17);
    - c. An individual participating in an optional retirement plan authorized by KRS 161.567; or
    - d. An individual eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the life insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System.
- (b) Notwithstanding the definition of "public employee" in this subsection, any federally funded time-limited employee may receive insurance coverage.
- (3) As used in this section and KRS 18A.210, "public employer" shall mean the following employers, if the employer has opted to participate in the state-sponsored group life insurance program:
  - (a) Any department, office, board, agency, commission, authority, or branch of state government;
  - (b) A public postsecondary educational institution;
  - (c) Any department, office, board, agency, commission, authority, or branch of a city, urban-county, charter county, county, unified local government, or consolidated local government; or
  - (d) Any certified or classified employee or elected member of a local board of education.
- (4) As used in KRS 18A.205 to 18A.225, "premiums" shall mean premiums to be paid on any type of insurance authorized under KRS 18A.205 to 18A.225.

➔Section 15. 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, *County Employees Retirement System*, 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; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
  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, *County Employees Retirement System*, 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) 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 statutorily 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 KRS 304.17A-258.
- (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) 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) 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) 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) 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) 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) Any fully 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.
- (24) Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 1, 2019, to public employees pursuant to this section shall comply with KRS 304.17A-138.

➔Section 16. KRS 42.726 is amended to read as follows:

- (1) The Commonwealth Office of Technology shall be the lead organizational entity within the executive branch regarding delivery of information technology services, including application development and delivery, and shall serve as the single information technology authority for the Commonwealth.
- (2) The roles and duties of the Commonwealth Office of Technology shall include but not be limited to:
  - (a) Providing technical support and services to all executive agencies of state government in the application of information technology;
  - (b) Assuring compatibility and connectivity of Kentucky's information systems;
  - (c) Developing strategies and policies to support and promote the effective applications of information technology within state government as a means of saving money, increasing employee productivity, and improving state services to the public, including electronic public access to information of the Commonwealth;
  - (d) Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture, including implementing necessary management processes to assure full compliance with those directions, standards, and architecture;
  - (e) Promoting effective and efficient design and operation of all major information resources management processes for executive branch agencies, including improvements to work processes;

- (f) Developing, implementing, and maintaining the technology infrastructure of the Commonwealth and all related support staff, planning, administration, asset management, and procurement for all executive branch cabinets and agencies except:
  - 1. Agencies led by a statewide elected official;
  - 2. The nine (9) public institutions of postsecondary education;
  - 3. The Department of Education's services provided to local school districts;
  - 4. The Kentucky Retirement Systems, *the County Employees Retirement System, the Kentucky Public Pensions Authority*, and the Teachers' Retirement System;
  - 5. The Kentucky Housing Corporation;
  - 6. The Kentucky Lottery Corporation;
  - 7. The Kentucky Higher Education Student Loan Corporation; and
  - 8. The Kentucky Higher Education Assistance Authority;
- (g) Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;
- (h) Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The executive director is authorized to grant or withhold approval to initiate these projects;
- (i) Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;
- (j) Establishing a central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
- (k) Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
- (l) Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;
- (m) In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;
- (n) Providing staff support and technical assistance to the Geographic Information Advisory Council and the Kentucky Information Technology Advisory Council;
- (o) Overseeing the development of a statewide geographic information plan with input from the Geographic Information Advisory Council;
- (p) Developing for state executive branch agencies a coordinated security framework and model governance structure relating to the privacy and confidentiality of personal information collected and stored by state executive branch agencies, including but not limited to:
  - 1. Identification of key infrastructure components and how to secure them;
  - 2. Establishment of a common benchmark that measures the effectiveness of security, including continuous monitoring and automation of defenses;
  - 3. Implementation of vulnerability scanning and other security assessments;
  - 4. Provision of training, orientation programs, and other communications that increase awareness of the importance of security among agency employees responsible for personal information; and
  - 5. Development of and making available a cyber security incident response plan and procedure; and
- (q) Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.

- (3) The Commonwealth Office of Technology may:
- (a) Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the executive director finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;
  - (b) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
  - (c) Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;
  - (d) Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146;
  - (e) Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;
  - (f) Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends, the Commonwealth Office of Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable; and
  - (g) Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:
    - 1. New and emerging technologies as approved by the executive director or her or his designee; or
    - 2. Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.
- (4) Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.
- (5) The Commonwealth Office of Technology shall, on or before October 1 of each year, submit to the Legislative Research Commission a report in accordance with KRS 57.390 detailing:
- (a) Any security breaches that occurred within organizational units of the executive branch of state government during the prior fiscal year that required notification to the Commonwealth Office of Technology under KRS 61.932;
  - (b) Actions taken to resolve the security breach, and to prevent additional security breaches in the future;
  - (c) A general description of what actions are taken as a matter of course to protect personal data from security breaches; and
  - (d) Any quantifiable financial impact to the agency reporting a security breach.

➔Section 17. KRS 42.728 is amended to read as follows:

- (1) To accomplish the work of the Commonwealth Office of Technology, all organizational units and administrative bodies, as defined in KRS 12.010, and all members of the state postsecondary education system, as defined in KRS 164.001, shall furnish the Commonwealth Office of Technology necessary assistance, resources, information, records, and advice as required.
- (2) The provisions of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146 shall not be construed to grant any authority over the judicial or legislative branches of state government, or agencies thereof, to the Commonwealth Office of Technology.
- (3) The information, technology, personnel, agency resources, and confidential records of the Kentucky Retirement Systems, *the County Employees Retirement System, the Kentucky Public Pensions Authority,* and the Kentucky Teachers' Retirement System shall be excluded from the provisions of KRS 42.720 to

42.742, 45.253, 171.420, 186A.040, 186A.285, and 194A.146 and shall not be under the authority of the Commonwealth Office of Technology.

➔Section 18. KRS 66.400 is amended to read as follows:

- (1) As used in this section:
  - (a) "Bond" has the same meaning as in KRS 66.011 and is issued according to the provisions of KRS 66.011 to 66.191;
  - (b) "Lease" has the same meaning as in KRS 65.940 and is entered into under the provisions of KRS 65.940 to 65.956; and
  - (c) "Local government" has the same meaning as in KRS 44.001.
- (2) (a) ***Except as otherwise provided by this section, any municipality as defined in the United States Bankruptcy Code, 11 U.S.C., secs. 101 et seq.,***~~{taxing agency or instrumentality as defined in Chapter IX of the Federal Bankruptcy Act as amended by the Acts of Congress of August 16, 1937, Chapter 657, June 22, 1938, Chapter 575, March 4, 1940, Chapter 41, June 28, 1940, Chapter 438}~~ and acts amendatory and supplementary thereto or acts extending the date of expiration thereof, as the same may be amended or extended from time to time, may file a petition for the composition of its debts and to do all things necessary to comply with the provisions of the ***United States Bankruptcy Code***~~{Federal Bankruptcy Act}~~.
  - (b) No county shall file a petition as provided in the ***United States Bankruptcy Code***~~{Federal Bankruptcy Act}~~ unless the proposed plan is first approved by the state local debt officer and the state local finance officer, as defined in KRS 68.001. No changes or modifications shall be made in the plan of composition after the filing of the petition without the approval of the state local debt officer and the state local finance officer. The state local debt officer and the state local finance officer shall approve or disapprove the proposed plan of composition or any changes or modifications thereof under the same procedure and for the same reasons as bonds are approved or disapproved under KRS 66.280 to 66.390.
- (c) ***No municipality may file for bankruptcy protection under the United States Bankruptcy Code if it is in default or is delinquent in the payment of contributions due under KRS 78.510 to 78.852.***
- (3) (a) The revenues of a tax adopted:
  1. According to KRS 66.111(1) for the payment of bonds shall be deemed pledged for the payment of the principal of and the premium and interest on the bonds; and
  2. According to KRS 65.942(2) for the payment of a lease shall be deemed pledged for the payment of the principal and interest portions of a lease payment and any prepayment penalties on a lease; whether or not the pledge is stated in the bonds, the lease, or in the proceedings authorizing the bonds or the lease.
  - (b) The holders of all bonds issued and leases entered into shall have a first lien on those tax revenues.
  - (c) There shall be a statutory lien on the tax revenues pledged in favor of the holders of all bonds issued and leases entered into, effective by operation of law, that shall apply to all outstanding bonds payable from taxes adopted according to KRS 66.111(1) and leases payable from taxes adopted according to KRS 65.942(2), without priority of one (1) bond or lease over another bond or lease, regardless of when the bonds were issued or the lease was entered into.
  - (d) No filing need be made under the Uniform Commercial Code or otherwise to perfect the lien on the tax revenues.
  - (e) The pledge of the tax shall constitute a sufficient appropriation, and the tax revenues shall be applied as required by the pledge, without the requirement for further appropriation.
- (4) Amounts appropriated for the payment of any obligation that is subject to annual renewal, including but not limited to leases entered into under the provisions of KRS 58.010 to 58.205 or KRS 65.940 to 65.956, shall be deemed pledged for payment according to subsection (3)(a) of this section, and the holders of all bonds issued or leases entered into shall have a first lien on those appropriations commencing on the date of the appropriation.



- (5) (a) The public property of any local government, of every character and description, used for government or public purposes, is exempt from seizure by attachment, execution, or other legal process, except as provided in subsections (7) and (8) of this section.
- (b) A local government's funds in the hands of its treasurer or a depository shall not be subject to garnishment or other legal process, except as provided in subsections (6), (7), and (8) of this section.
- (6) (a) Except for judgments covered under KRS 65.2004, any local government against which final judgment has been rendered for a claim that is not fully covered by insurance may make a motion to the Circuit Court to enter an order for the payment of money damages, in whole or in part, through a periodic payment schedule for a period of time not to exceed ten (10) years.
- (b) A court entering an order in response to a motion made by a local government under paragraph (a) of this subsection shall consider the ability of the local government to pay the judgment without a substantial disruption to the essential public services provided by the local government. The court shall consider the following factors in evaluating the motion and in setting a periodic payment schedule:
  - 1. The funds available in the local government's current fiscal year and other funds available to the local government to pay the damages in the remainder of the local government's fiscal year during which the final judgment was entered;
  - 2. The total revenues reasonably expected to be collected by the local government in subsequent fiscal years based upon the historical collections in previous fiscal years;
  - 3. The total expenses of the local government in subsequent years for the costs associated with the provision of essential public services, the payment of debt service for the existing obligations of the local government, and any other expenses reasonably necessary for the efficient administration of the local government, including personnel, operation, and maintenance costs associated with existing infrastructure, and new costs which may be reasonably anticipated for the local government; and
  - 4. If the award for damages is an amount that exceeds twenty-five percent (25%) of the total revenues collected by the local government in the immediately preceding fiscal year, the court may also consider any revenue or debt financing options that are reasonably available to the local government that could be employed to help satisfy the judgment.
- (c) An order entered by the court establishing a periodic payment schedule shall specify the total amount awarded, the amount of each payment, the interval between payments, and the number of payments to be paid under the order.
- (d) Any judgment paid pursuant to the periodic payment schedule established under this subsection shall bear interest accruing from the date final judgment is entered at one-half (1/2) the interest rate provided by KRS 360.040.
- (e) Upon petition to the court, the court may modify a periodic payment schedule established in this subsection for good cause shown by the local government. The modification may include changes to the amount of payments, the number of payments, and the period of payments, but in no case shall an adjustment pursuant to this paragraph alter the total amount of damages to be paid, exclusive of interest, in the original order.
- (7) Subject to the provisions of subsection (6) of this section, a court may enter an order providing for the attachment, execution, garnishment, or seizure by other legal process of public property, including moneys, of a local government only upon a finding that:
  - (a) The local government has failed to comply with an order, modified order, or judgment entered by the court as provided by subsection (6) of this section or KRS 65.2004;
  - (b) After a period of twenty-four (24) months, the local government did not petition the court to enter an order for the payment of money damages, in whole or in part, through a periodic payment schedule as provided by subsection (6) of this section or KRS 65.2004 and has not paid in full the total damages awarded under the judgment; or
  - (c) The judgment for damages was not of the type that permitted the court to enter an award of periodic damages, and the local government has failed to pay the damages due in full after the passage of twenty-four (24) months from the entry of a final judgment.

- (8) (a) Any order providing for the attachment, execution, garnishment, or seizure by other legal process of public property, including moneys, of a local government shall not impair the ability of the local government to continue to provide essential services to the public, including the payment of key personnel needed for the provision of those services and those employees necessary for the collection of revenues on behalf of the local government.
- (b) In making a determination as to the appropriate extent of an order under this subsection, a court shall consider but shall not be limited to the factors provided in subsection (6)(b) of this section.
- (9) Nothing in this section shall:
  - (a) Bar the pursuit of any other remedies that exist to enforce a judgment under state law; or
  - (b) Prohibit a local government and a judgment creditor from entering into an agreement for the payment of damages under terms and conditions that differ from the remedies and process established under this section.

➔Section 19. KRS 61.510 is repealed, reenacted, and 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 ~~to or investment~~

~~returns earned as provided by KRS 61.5956,~~ on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon ~~or investment returns earned as provided by KRS 61.5956.~~ **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":

- (a) ~~{Except as provided by paragraph (b) or (c) of this subsection, }~~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);
- (b) Includes:
  - 1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which 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);
  - 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
  - 3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
  - 4. 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; and
  - 5. 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); and
- (c) Excludes:
  - 1. ~~{Uniform, equipment, or any other expense allowances paid on or after January 1, 2019, }~~Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
  - 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
  - 3. ~~{For employees participating in a nonhazardous position who began participating prior to September 1, 2008, and who retire after July 1, 2023, lump sum payments for compensatory time upon termination of employment;~~
  - 4. ~~—~~For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
  - 4.~~5.~~ Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;

(14) "Final compensation" of a member means:

- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, 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~~except that for members retiring on or after January 1, 2019, the five (5) fiscal years shall be complete fiscal years~~. If the number of months of service credit during the five (5) year period is less than forty-eight (48)~~for members retiring prior to January 1, 2019~~, one (1) or more additional fiscal years shall be used~~. If a member retiring on or after January 1, 2019, 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, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months~~;
- (b) For a member who is employed in a nonhazardous position, 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, ~~and who retired prior to January 1, 2019,~~ 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 employed in a nonhazardous position, 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, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; 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~~, or for a member who begins participating prior to September 1, 2008, who is employed in a hazardous position as provided in KRS 61.592, who retires on or after January 1, 2019~~, 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. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (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 and are nonrenewable;
  - (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"**~~["Level dollar amortization method"]~~ means a method of determining the annual amortization payment on the unfunded actuarial accrued liability ~~{that is set} as expressed as a percentage of payroll{an equal dollar amount}~~ over **a set period of years**~~{the remaining amortization period as of the actuarial valuation date}~~. Under this method, the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the **set period of years**~~{amortization 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 **Public Pensions Authority's**~~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;
- (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~~;~~~~or~~

- (c) ~~For nonhazardous members who are participating in the 401(a) money purchase plan as provided by KRS 61.5956, the combined sum of the member's accumulated contribution and the member's accumulated employer contribution in the 401(a) money purchase plan;~~
- (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 **twelve** (12)~~twenty-four (24)~~ months following the retired member's most recent retirement date;
- (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;
- (44) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- (45) ~~["Accumulated employer contribution" means the employer contribution deposited to the member's account and any investment returns on such amounts as provided by KRS 61.5956; and~~
- ~~(46) ]~~"Monthly average pay" means the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment;
- (46) "Authority" means the Kentucky Public Pensions Authority as provided by Section 2 of this Act; and**
- (47) "Executive director" means the executive director of the Kentucky Public Pensions Authority.**

➔Section 20. KRS 61.522 is amended to read as follows:

Notwithstanding any other provision of KRS 61.510 to 61.705 or 78.510 to 78.852 to the contrary:

- (1) For purposes of this section:
- (a) "Active member" means a member who is participating in the system;
  - (b) "Employer" means the governing body of a department, as defined by KRS 61.510~~, or a county as defined by KRS 78.510;~~
  - (c) "Employer's effective cessation date" means:
    1. The last day of the system's plan year in the year in which the employer has elected to cease participation in the system, provided the employer has met the requirements of this section and has given the Kentucky Retirement Systems sufficient notice as provided by administrative regulations promulgated by the systems; or
    2. For Kentucky Employees Retirement System employers making an election to cease participating under the provisions of subsection (8) of this section, it shall be June 30, 2020; and
  - (d) "Inactive member" means a member who is not participating with the system;
- (2) Any employer participating in the Kentucky Employees Retirement System ~~or the County Employees Retirement System~~ on July 1, 2015, except as limited by subsection (6) of this section, may:
- (a) Voluntarily cease participation in its respective retirement system subject to the requirements and restrictions of this section;
  - (b) Be required to involuntarily cease participation in the system under the provisions of this section if the board has determined the employer is no longer qualified to participate in a governmental plan or has failed to comply with the provisions of KRS 61.510 to 61.705 ~~or 78.510 to 78.852;~~ or
  - (c) If the employer is participating in the Kentucky Employees Retirement System, request an estimate of the cost of voluntarily ceasing participation in the system prior to officially making a request to cease participation. For those Kentucky Employees Retirement System nonhazardous employers who are

considering ceasing participating in the system under the provisions of subsection (8) of this section on June 30, 2020, the request for an estimate to voluntarily cease participating must be made prior to December 31, 2019, and the estimate shall be provided to that employer within sixty (60) days of the request, except that no estimate shall be required to be provided prior to January 31, 2020;

- (3) (a) If an employer desires to voluntarily cease participation in the Kentucky Employees Retirement System ~~for the County Employees Retirement System~~ as provided by subsection (2)(a) of this section:
1. The employer shall adopt a resolution requesting to cease participation in the system and shall submit the resolution to the board for its approval. The board shall not be able to deny a resolution to cease participation in the Kentucky Employees Retirement System for any employer who seeks to voluntarily cease participation in the system as provided by subsection (8) of this section;
  2. Except as provided by subsection (8)(d) of this section, the cessation of participation in the system shall apply to all employees of the employer;
  3. The employer shall pay for all administrative costs of an actuarial study to be completed by the Kentucky Retirement Systems' consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board and as provided by this section;
  4. The employer shall provide an alternative retirement program for employees who will no longer be covered by the system, which may include a voluntary defined contribution plan but, for Kentucky Employees Retirement System employers with effective cessation dates occurring on or after June 30, 2020, the alternative retirement program shall not include a defined benefit plan which by its nature can have an unfunded liability;
  5. If the alternative retirement program established by the employer meets the qualification requirements under 26 U.S.C. sec. 401(a) or 26 U.S.C. sec. 403(b) and is capable of accepting trustee-to-trustee transfers of both pre-tax and post-tax contributions, employees of the employer ceasing participation may, except for those employees continuing to participate in the system as provided by subsection (8)(d)2. of this section, seek to transfer his or her account balance to the employer's qualified alternate retirement program within sixty (60) days of the employer's effective cessation date. An employee's election to transfer his or her account balance within sixty (60) days of the employer's effective cessation date is an irrevocable waiver of the right to obtain service credits in the system for the time worked for the employer ceasing participation;
  6. The employer shall pay to the system by lump sum or in installments as provided by subsection (8) of this section, if eligible, the full actuarial cost, except as provided by subsection (8)(g)4. of this section, of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required by subparagraph 3. of this paragraph. If the employer makes an election for employees to continue to participate in the system as provided by subsection (8)(d)2. of this section, the cost shall also include the present value of future normal costs of those employees who will continue to participate in the system after the employer's effective cessation date. The full actuarial cost shall not include any employee who seeks a transfer of his or her account balance within sixty (60) days of the employer's effective cessation date as provided by subparagraph 5. of this paragraph. The actuarial cost shall be fixed, and the employer shall not be subject to any increases or subsequent adjustments, once the lump sum is paid or the installment payments have commenced; and
  7. Kentucky Employees Retirement System employers ceasing participating under the provisions of subsection (8) of this section who elect to pay their actuarial costs by a lump sum shall make the full lump-sum payment by June 30, 2021, and shall pay interest on the principal amount beginning on July 1, 2020, equal to a rate of five and one-quarter percent (5.25%) per annum for pension costs and at a rate of six and one-quarter percent (6.25%) per annum for retiree health costs until the lump-sum payment is made. If the ceasing employer fails to make the full lump-sum payment by June 30, 2021, the ceasing employer shall make installments as provided by subsection (8)(g) of this section, and the ceasing employer shall have the costs recalculated based upon making installment payments as provided by this section and shall be required to make up any missed installment payments as determined by the system.



- (b) If the board determines an employer must involuntarily cease participation in the system as provided by subsection (2)(b) of this section:

1. The cessation of participation in the system shall apply to all employees of the employer;
2. The employer shall pay for all administrative costs of an actuarial study to be completed by the Kentucky Retirement Systems' consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board and as provided by this section; and
3. The employer shall pay by lump sum to the system the full actuarial cost of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required by subparagraph 2. of this paragraph. The actuarial cost shall be fixed, and the employer shall not be subject to any increases or subsequent adjustments, once the lump sum is paid.

A Kentucky Employees Retirement System employer who ceases participation in the systems under this paragraph shall not establish or contribute to on behalf of its employees a defined benefit plan which by its nature can have an unfunded liability;

- (4) Any employee hired on or after the employer's effective cessation date by an employer who has ceased participation in the system as provided by this section shall not, regardless of his or her membership date in the systems administered by Kentucky Retirement Systems, be eligible to participate in the Kentucky Employees Retirement System ~~or the County Employees Retirement System~~ through the employer that ceased participation for the duration of his or her employment with that employer;

- (5) If an employer has ceased participation in the system as provided by this section:

- (a) The rights of recipients and the vested rights of inactive members accrued as of the employer's effective cessation date shall not be impaired or reduced in any manner as a result of the employer ceasing participation in the system; and

- (b) Except as provided by subsection (8)(d)2. of this section, employees of the employer ceasing participation shall accrue benefits through the employer's effective cessation date but shall not accrue any additional benefits in the Kentucky Employees Retirement System ~~or the County Employees Retirement System~~, including earning years of service credit through the ceased employer, after the employer's effective cessation date for as long as they remain employed by the employer. The day after the employer's effective cessation date, each employee described by this paragraph, except as provided by subsection (8)(d)2. of this section, shall be considered an inactive member with respect to his or her employment with the employer that ceased participation and, subject to the provisions and limitations of KRS 61.510 to 61.705 ~~and 78.510 to 78.852~~, shall:

1. Retain his or her accounts with the Kentucky Employees Retirement System ~~or the County Employees Retirement System~~ and have those accounts credited with interest in accordance with KRS 61.510 to 61.705 ~~and 78.510 to 78.852~~;
2. Retain his or her vested rights in accordance with paragraph (a) of this subsection; and
3. Be eligible to take a refund of his or her accumulated account balance in accordance with KRS 61.625 or any other available distribution if eligible;

- (6) ~~((a))~~ Kentucky Employees Retirement System employers who are county attorney offices, Commonwealth's attorney offices, local and district health departments governed by KRS Chapter 212, master commissioners, executive branch agencies whose employees are subject to KRS 18A.005 to 18A.200, state-administered retirement systems, state-supported universities and community colleges, property valuation administration offices, or employers in the legislative or judicial branch of Kentucky state government, shall not be eligible to voluntarily discontinue participation in the Kentucky Employees Retirement System, except that:

1. Any employer who is a nonstock nonprofit corporation organized under KRS Chapter 273 may voluntarily cease participation; and
2. Local and district health departments governed by KRS Chapter 212, state-supported universities and community colleges, and the Kentucky Higher Education Student Loan Corporation may voluntarily cease participation in the Kentucky Employees Retirement System solely under the provisions and requirements of subsection (8) of this section~~;~~

- ~~(b) Only the employers in the County Employees Retirement System who are a nonstock nonprofit corporation organized under KRS Chapter 273 may voluntarily cease participation in the County Employees Retirement System];~~
- (7) For purposes of this section, the full actuarial cost shall be determined by the Kentucky Retirement Systems' consulting actuary separately for the pension fund and the insurance fund using the assumptions and methodology established by the system specifically for determining the full actuarial cost of ceasing participation as of the employer's effective cessation date. For purposes of determining the full actuarial cost, the assumed rate of return used to calculate the cost shall be the lesser of the assumed rate of return utilized in the system's most recent actuarial valuation or the yield on a thirty (30) year United States treasury bond as of the employer's effective cessation date, but shall in no case be lower than:
- (a) Except as provided by paragraphs (b) to (e) of this subsection, the assumed rate of return utilized in the system's most recent actuarial valuation minus three and one-half percent (3.5%);
  - (b) Four and one-half percent (4.5%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by lump-sum payment by June 30, 2021, and who do not make an election for their employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)3. of this section;
  - (c) Three and one-half percent (3.5%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by lump-sum payment by June 30, 2021, and who do make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)2. of this section;
  - (d) Three and one-half percent (3.5%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by installment payments and who do not make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)3. of this section; or
  - (e) Three percent (3%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by installment payments and who do make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)2. of this section;
- (8) Notwithstanding the provisions of this section, any Kentucky Employees Retirement System employer who is eligible to voluntarily cease participating as provided by subsection (6) of this section may, on or after April 1, 2020, but prior to May 1, 2020, elect to voluntarily cease participating in the systems for its nonhazardous employees by submitting a resolution in accordance with subsection (3)(a)1. of this section. If an employer makes an election to voluntarily cease participation by submitting a resolution as provided by this subsection:
- (a) The board shall accept any election to cease participation on or before June 30, 2020, and the employer's effective cessation date shall be June 30, 2020. Prior to May 1, 2020, an employer may rescind a previously submitted election to cease participation;
  - (b) Nonhazardous employees hired on or after the employer's effective cessation date by an employer who has ceased participation in the system as provided by this section shall not, regardless of his or her membership date in the systems administered by Kentucky Retirement Systems, be eligible to participate in the Kentucky Employees Retirement System through the employer that ceased participation for the duration of his or her employment with that ceasing employer;
  - (c) Nonhazardous employees hired prior to the employer's effective cessation date, who began participating in the systems administered by Kentucky Retirement Systems on or after January 1, 2014, and who are participating in the hybrid cash balance plan as provided by KRS 61.597, shall continue to contribute and earn service credit in the systems through the employer's effective cessation date. After the employer's effective cessation date, the employee shall participate in the alternative retirement plan established by the employer as provided by subsection (3)(a)4. of this section. A nonhazardous employee covered by this paragraph who elects to transfer his or her account balance within sixty (60) days of the employer's effective cessation date as provided by subsection (3)(a)5. of this section, shall,

notwithstanding KRS 61.597, receive a transfer of the employee's accumulated account balance, including the entire accumulated employer credit, regardless of the employee's years of service credit;

- (d)
  - 1. The employer shall, in the resolution submitted in accordance with subsection (3)(a)1. of this section, make an election as to whether or not nonhazardous employees hired prior to the employer's effective cessation date, who began participating in the systems administered by Kentucky Retirement Systems prior to January 1, 2014, who are participating in the systems administered by Kentucky Retirement Systems through the employer, will continue to participate in the system after the employer's effective cessation date.
  - 2. If the employer makes an election for the employees described by this paragraph to continue participating in the system after the employer's effective cessation date, these employees will continue to contribute and earn service credit in the systems for as long as they remain employed by the employer in a regular full-time position that is eligible to participate in the systems, except in the event the employer fails to make installment payments as provided by KRS 61.675(4). Any costs for the present value of future normal costs of the employees covered by this subparagraph who will contribute and earn service in the system after the employer's effective cessation date shall be included in the cost calculation established by subsection (7) of this section.
  - 3. If the employer does not make an election for the employees described by this paragraph to continue participating in the system after the employer's effective cessation date, these employees shall continue to contribute and earn service credit in the systems through the employer's effective cessation date. After the employer's effective cessation date, these employees shall participate in the alternative retirement plan established by the employer as provided by subsection (3)(a)4. of this section;
- (e) The cost of ceasing participating to an individual employer shall be equal to the cost determined under subsection (7) of this section and shall include the costs of those employees who continue to participate in the system as provided by paragraph (d)2. of this subsection;
- (f) The employer may pay the full actuarial cost of ceasing participation by lump-sum payment or in installments as provided by paragraph (g) of this subsection;
- (g) If the employer elects to pay the costs in installment payments, the cost of ceasing participation as provided by this subsection shall be financed by the systems using the following method:
  - 1. Annual payments occurring on or after July 1, 2020, shall be a set dollar value and shall be paid in monthly installments. In fiscal year 2020-2021, the set dollar value shall be equal to the higher of the actual contributions paid by the employer in fiscal year 2019-2020 or the annualized average of the creditable compensation reported to the systems by the ceasing employer over the last sixty (60) months occurring prior to July 1, 2019, for which contributions were paid by the ceasing employer, and multiplied by an employer rate of forty-nine and forty-seven one-hundredths percent (49.47%). Annual payments, for fiscal years occurring on or after July 1, 2021, which shall be paid monthly, shall be increased by one and one-half percent (1.5%) annually and shall be paid until the cost as provided by subsection (7) of this section and as adjusted annually by subparagraphs 2. and 3. of this paragraph are paid in full or until an employer as described by subparagraph 4. of this paragraph has paid for thirty (30) years from the effective cessation date;
  - 2. Interest shall be assigned to the principal amount annually beginning on July 1, 2020, and for each July 1 thereafter, that is equal to a rate of five and one-quarter percent (5.25%) per annum for pension costs and at a rate of six and one-quarter percent (6.25%) per annum for retiree health costs;
  - 3. If an employer is not projected by the systems to pay off the full actuarial costs to cease participation with interest as provided by subparagraph 2. of this paragraph at the conclusion of the thirty (30) year installment period from the employer's effective cessation date, and the employer makes an election for employees to continue to participate in the system after the employer's effective cessation date as provided by paragraph (d)2. of this subsection, then the systems shall adjust the base value for the first annual payments occurring on or after July 1, 2020, in order to keep the maximum period of installments to thirty (30) years; and

4. If an employer is not projected by the systems to pay off the full actuarial costs to cease participation with interest as provided by subparagraph 2. of this paragraph at the conclusion of the thirty (30) year installment period from the employer's effective cessation date, and the employer does not make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by paragraph (d)3. of this subsection, the employer shall pay the amount determined by subparagraph 1. of this paragraph for thirty (30) years from the effective cessation date and no additional costs shall be billed to a ceasing employer after the conclusion of the thirty (30) year period nor shall the employer be subject to adjustments under subparagraph 3. of this paragraph. The system may request in future biennial executive branch budgets the additional funding needed on an annual basis to fully pay off the installments at the conclusion of the thirty (30) year period for the employers described by this paragraph, and it is the intent of the General Assembly to pay the additional funding needed by appropriation in the biennial executive branch budget.

An employer ceasing participation who is making installment payments as provided by this paragraph may at any time pay off a portion of the remaining balance or the entire remaining balance and shall not be charged any interest for periods beyond the pay-off date for the balance that is paid off;

- (h) Kentucky Employees Retirement System employers eligible to cease participation under the provisions of this subsection who do not make an election to cease participation in the system prior to May 1, 2020, shall be required to pay the full actuarially determined contributions established by KRS 61.565 and 61.702 for fiscal years occurring on or after July 1, 2020; and
- (i) Kentucky Employees Retirement System employers who elect to cease participation in the system as provided by this subsection who are currently receiving a distribution of general fund appropriations in the biennial executive branch budget under the provisions of 2018 Ky. Acts ch. 169, Part I, G., 4., (5), 2018 Ky. Acts ch. 169, Part I, G., 5., (2), or 2018 Ky. Acts ch. 169, Part I, G., 9., (2) to help pay employer contributions to the system shall continue to receive the same level of distribution of general fund appropriations to help pay the costs of ceasing participation until such time that the employer's full actuarial costs of ceasing participation are paid off;
- (9) The Kentucky Retirement Systems shall promulgate administrative regulations pursuant to KRS Chapter 13A to administer this section;
- (10) (a) Any employer who voluntarily ceases participation, or who is required to involuntarily cease participation as provided in this section, shall hold the Commonwealth and the Kentucky Retirement Systems, including board members and employees of the Kentucky Retirement Systems, harmless from damages, attorney's fees and costs from legal claims for any cause of action brought by any member or retired member of the departing employer related to the employer's cessation of participation as set forth in this section.
- (b) Any employer who is voluntarily ceasing participation under the provisions of subsection (8) of this section shall be required to pledge any security in any relevant real estate, chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letters of credit rights, and money to the costs of ceasing participation until all costs of ceasing participation are paid in full; and
- (11) Notwithstanding any other provision of statute to the contrary, the provisions of KRS 61.510 to 61.705~~and 78.510 to 78.852~~, and the administrative regulations promulgated thereunder, shall prevail regarding any question of participation in the systems of any employer or any employee of an employer who ceases participation in the Kentucky Employees Retirement System.

➔Section 21. KRS 61.535 is amended to read as follows:

- (1) The membership of any person in the system shall cease:
  - (a) Upon withdrawal of his accumulated account balance at or any time after termination of employment, regardless of length of service;
  - (b) Upon disability retirement;
  - (c) Upon service retirement;
  - (d) Upon death;
  - (e) For persons hired prior to August 1, 2000, upon termination of employment with prejudice; or

- (f) For persons hired on or after August 1, 2000, upon conviction of a felony relating to the person's employment as provided in subsection (3) of this section.
- (2) For purposes of KRS 61.510 to 61.705 ~~and~~ 16.505 to 16.652, ~~and 78.510 to 78.852,~~ termination of employment with prejudice shall mean termination as the result of conviction of the member in a court of competent jurisdiction of embezzlement or larceny of public funds or property or malfeasance in office, or the forcing of a member to make restitution for any funds or property criminally taken by said member at the time of termination of employment.
- (3) Notwithstanding any provision of law to the contrary, an employee hired on or after August 1, 2000, who participates in one (1) of the retirement systems administered by the Kentucky Retirement Systems and who is convicted, in any state or federal court of competent jurisdiction, of a felony related to his employment shall forfeit rights and benefits earned under the retirement system, except for the return of his accumulated contributions and interest credited on those contributions. The payment of retirement benefits ordered forfeited shall be stayed pending any appeal of the conviction. If the conviction is reversed on final judgment, no retirement benefit shall be forfeited. The employer shall notify the retirement system when an employee is convicted under the provisions of this subsection.

➔Section 22. KRS 61.565 is repealed, reenacted, and amended to read as follows:

- (1) (a) Each employer participating in the State Police Retirement System as provided for in KRS 16.505 to 16.652, ~~the County Employees Retirement System as provided for in KRS 78.510 to 78.852,~~ and the Kentucky Employees Retirement System as provided for in KRS 61.510 to 61.705 shall contribute annually to the respective retirement system an amount determined by the actuarial valuation completed in accordance with KRS 61.670 and as specified by this section. Employer contributions for each respective retirement system shall be equal to the sum of the "normal cost contribution" and the "actuarially accrued liability contribution."
- (b) For purposes of this section, the normal cost contribution shall be computed as a percentage of pay and shall be an annual amount that is sufficient when combined with employee contributions to fund benefits earned during the year in the respective system ~~or plan, including costs for those members who elect to participate in the 401(a) money purchase plan~~. The amount shall be paid as a percentage of creditable compensation reported for each employee participating in the system or plan and accruing benefits.
- (c) For purposes of this section, the actuarially accrued liability contribution shall be an annual dollar amount that is sufficient to amortize the total unfunded actuarially accrued liability of each system over a closed period of thirty (30) years *beginning with the 2013 actuarial valuation* using the *level percentage of payroll amortization method* ~~level dollar amortization method~~. ~~This method shall be used beginning with the 2019 actuarial valuation, and employer costs for the actuarially accrued liability contribution shall be prorated to each employer as provided by paragraph (f) of this subsection.~~
- (d) The employer contributions computed under this section shall be determined using:
1. The entry age normal cost funding method;
  2. An asset smoothing method that smooths investment gains and losses over a five (5) year period; and
  3. Other funding methods and assumptions established by the board in accordance with KRS 61.670.
- ~~(e) Effective with the 2019 actuarial valuation, the amortization period for the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System shall be reset to a new thirty (30) year closed period for purposes of calculating the actuarially accrued liability contribution prescribed by this subsection.~~
- ~~(f) The dollar value of the actuarially accrued liability contribution specified by paragraph (c) of this subsection payable by each individual system employer based upon the 2019 actuarial valuation shall be prorated based upon the individual employer's average percentage of the total creditable compensation reported by all employers in the specific system in fiscal years 2014-2015, 2015-2016, and 2016-2017, except that the amount shall:~~

- ~~1. Not apply to any employer who ceases participation and pays the full actuarial cost of ceasing participation as provided by KRS 61.522;~~
  - ~~2. Be adjusted for each remaining employer of a system to reflect any employer who ceases participation and who pays the full actuarial cost of ceasing participation as provided by KRS 61.522; and~~
  - ~~3. Be a single amount for all executive branch departments, program cabinets and their respective departments and administrative bodies enumerated in KRS 12.020, and any other executive branch agencies administratively attached to a department, program cabinet, or administrative body enumerated in KRS 12.020.]~~
- (2) (a) Normal cost contribution rates and the actuarially accrued liability contribution shall be determined by the board on the basis of the annual actuarial valuation last preceding the July 1 of a new biennium.
  - (b) The board may amend contribution rates as of July 1 of the second year of a biennium, if it is determined on the basis of a subsequent actuarial valuation that amended contribution rates are necessary to satisfy the requirements of this section.
  - (c) Effective for employer contribution rates payable on or after July 1, 2014~~[- through June 30, 2020]~~, the board shall not have the authority to amend contribution rates as of July 1 of the second year of the biennium for the Kentucky Employees Retirement System and the State Police Retirement System.
  - (3) The system shall advise each employer prior to the beginning of each biennium~~[- or prior to July 1 of the second year of a biennium for employers participating in the County Employees Retirement System]~~, of any change in the employer contribution rate. Based on the employer contribution rate, each employer shall include in the budget sufficient funds to pay the employer contributions as determined by the board under this section.
  - (4) The General Assembly **and all employers** shall pay the full actuarially required contribution rate, as prescribed by this section, to the Kentucky Employees Retirement System and the State Police Retirement System in fiscal years occurring on or after July 1, 2014.
  - ~~[(5) Notwithstanding any other provision of KRS Chapter 61 or 78 to the contrary, the employer contribution established by the board for the County Employees Retirement System that are payable on or after July 1, 2018, and until June 30, 2028, for the pension and health insurance funds, including the normal cost contribution and the actuarially accrued liability contribution for each fund, shall not increase by more than twelve percent (12%) in terms of projected dollars paid by participating employers over the prior fiscal year as determined by the system's consulting actuary.]~~

➔Section 23. KRS 61.555 is amended to read as follows:

- (1) (a) After August 1, 1998, any employee entering the Armed Forces of the United States after he first participates in the system, who joins the Armed Forces within three (3) months of the last day of paid employment, being on leave of absence from service and not withdrawing his accumulated account balance, shall be credited for retirement purposes with service credit and creditable compensation as provided in 38 U.S.C. sec. 4318 for his period of active military duty in the Armed Forces of the United States, not to exceed six (6) years, if:
  1. The member's military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304; and
  2. The member returns to work with an employer participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems **or County Employees Retirement System** within two (2) years after completion of the period of active military duty, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge.
- (b) A member eligible for the benefit prescribed by this subsection who participates in the hybrid cash balance plan as provided by KRS 16.583 and 61.597 shall also have his or her member account credited with employee contributions, employer pay credits, and interest credits, as provided by KRS 16.583 and 61.597, as though the member were employed during the member's period of active military duty described by this subsection.
- (c) ~~[A member eligible for the benefit prescribed by this subsection who participates in the 401(a) money purchase plan as provided by KRS 61.5956 shall also have his or her member account credited with~~

~~employee and employer contributions, as provided by KRS 61.5956, as though the member were employed during the member's period of active military duty described by this subsection.~~

- ~~(d) The employer shall remit to the retirement systems the employer contributions that would have been due under **Section 8 of this Act**, KRS 61.565, and **KRS** 61.702 for periods of service credited under this subsection.~~
- (2) (a) After August 1, 1998, any employee who, prior to the date he first participated in the system, terminated his employment with an agency participating in one (1) of the systems administered by the Kentucky Retirement Systems **or County Employees Retirement System** and within three (3) months entered the Armed Forces of the United States and who returns to work with an employer participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems **or County Employees Retirement System** within two (2) years after completion of the period of active military duty, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge, shall be credited for retirement purposes with service credit and creditable compensation as provided in 38 U.S.C. sec. 4318 for his period of active military duty in the Armed Forces, not to exceed six (6) years if his military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304.
- (b) A member eligible for the benefit prescribed by this subsection who participates in the hybrid cash balance plan as provided by KRS 16.583 and 61.597 shall also have his or her member account credited with employee contributions, employer pay credits, and interest credits, as provided by KRS 16.583 and 61.597, as though the member were employed during the member's period of active military duty described by this subsection.
- (c) ~~[A member eligible for the benefit prescribed by this subsection who participates in the 401(a) money purchase plan as provided by KRS 61.5956 shall also have his or her member account credited with employee and employer contributions, as provided by KRS 61.5956, as though the member were employed during the member's period of active military duty described by this subsection.]~~
- ~~(d) The employer shall remit to the retirement systems the employer contributions that would have been due under **Section 8 of this Act**, KRS 61.565, and **KRS** 61.702 for periods of service credited under this subsection.~~
- (3) Any National Guard technician involuntarily serving on active military duty during the period between January 26, 1968, and January 1, 1970, who completes his eight (8) years' service while on military duty during this period, shall have that portion of his active military duty, necessary to the completion of eight (8) years' current service, credited to his account, as current service without having to meet the reemployment criteria.
- (4) Any employee eligible for retirement as prescribed in KRS 61.559 or any employee upon completion of five (5) years of service shall receive current service credit for a maximum of four (4) years for his period of active military duty in the Armed Forces of the United States, if his military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304 and he has not been credited with the service under subsections (1) to (3) of this section if he pays thirty-five percent (35%) of the cost of the service based on the formula adopted by the board. The payment by the member shall not be picked up by the employer, as described in KRS 61.560(4), and shall be deposited to his individual member's account. The remaining sixty-five percent (65%) shall be paid by the state from funds appropriated specifically for the purpose and these payments shall be deposited to the respective retirement allowance accounts. If no funds are available in the special appropriation account, the system shall not accept employee payments until funds are available in the account.
- (5) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems eligible to purchase military service credit under subsection (4) of this section shall receive current service credit for active military duty as provided under subsection (4) of this section without payment of the current employee contribution ratio if the member was taken prisoner by a hostile power at any time during active military service.
- (6) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems **or County Employees Retirement System** age sixty-five (65) or older who has forty-eight (48) months of service, at least twelve (12) of which are current service, or if younger who has sixty (60) months of service, at least twelve (12) of which are current service shall receive current service for his period of active military duty in the Armed Forces of the United States, if his military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304 and he has not been credited with the service under subsections (1) to

(4) of this section, by paying the retirement system a delayed contribution payment in accordance with the payment options and restrictions established by KRS 61.552(14). Service purchases made pursuant to this subsection shall be purchased by the entire amount of service available pursuant to this subsection or by increments.

- (7) Any employee participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems *or County Employees Retirement System* age sixty-five (65) or older who has forty-eight (48) months of service, at least twelve (12) of which are current service, or if younger who has sixty (60) months of service, at least twelve (12) of which are current service, shall receive one (1) month of current service for each six (6) months of service in the National Guard or the military reserves of the United States, by paying the retirement system a delayed contribution payment in accordance with the payment options and restrictions established by KRS 61.552(14). The service shall be treated as service earned prior to participation in the system and shall not be included in the member's final compensation. Service purchases made pursuant to this subsection shall be purchased by the entire amount of service available pursuant to this subsection or by increments.
- (8) For members who begin participating in the systems administered by Kentucky Retirement Systems *or County Employees Retirement System* on or after January 1, 2014, in the hybrid cash balance plan prescribed by KRS 16.583 and 61.597~~[-, and for members who make an election to participate in the 401(a) money purchase plan as provided by KRS 21.374, 61.5955, or 61.5956]~~, the provisions of subsections (4) to (7) of this section shall not apply.

➔Section 24. KRS 61.592 is amended to read as follows:

- (1) (a) "Hazardous position" for employees participating in the Kentucky Employees Retirement System, and for employees who begin participating in the County Employees Retirement System before September 1, 2008, means:
1. Any position whose principal duties involve active law enforcement, including the positions of probation and parole officer and Commonwealth detective, active fire suppression or prevention, or other positions, including, but not limited to, pilots of the Transportation Cabinet and paramedics and emergency medical technicians, with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning;
  2. Positions in the Department of Corrections in state correctional institutions and the Kentucky Correctional Psychiatric Center with duties that regularly and routinely require face-to-face contact with inmates; and
  3. Positions of employees who elect coverage under KRS 196.167(3)(b)2. and who continue to provide educational services and support to inmates as a Department of Corrections employee.
- (b) "Hazardous position" for employees who begin participating in the County Employees Retirement System on or after September 1, 2008, means police officers and firefighters as defined in KRS 61.315(1), paramedics, correctional officers with duties that routinely and regularly require face-to-face contact with inmates, and emergency medical technicians if:
1. The employee's duties require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning; and
  2. The employee's duties are not primarily clerical or administrative.
- (c) The effective date of participation under hazardous duty coverage for positions in the Department of Alcoholic Beverage Control shall be April 1, 1998. The employer and employee contributions shall be paid by the employer and forwarded to the retirement system for the period not previously reported.
- (2) (a) Each employer may request of the board hazardous duty coverage for those positions as defined in subsection (1) of this section. Upon request, each employer shall certify to the system, in the manner prescribed by the board, the names of all employees working in a hazardous position as defined in subsection (1) of this section for which coverage is requested. The certification of the employer shall bear the approval of the agent or agency responsible for the budget of the department or county indicating that the required employer contributions have been provided for in the budget of the employing department or county. The system shall determine whether the employees whose names have been certified by the employer are working in positions meeting the definition of a hazardous position as provided by subsection (1) of this section. This process shall not be required for employees who elect coverage under KRS 196.167(3)(b)2.



- (b) Each employer desiring to provide hazardous duty coverage to employees who begin participating in the County Employees Retirement System on or after September 1, 2008, may request that the board approve hazardous duty coverage for those positions that meet the criteria set forth in subsection (1)(b) of this section. Each employer shall certify to the system, in the manner prescribed by the board, the names of all employees working in a hazardous position as defined in subsection (1)(b) of this section for which coverage is requested and a job description for each position or employee. The certification of the employer shall bear the approval of the agent or agency responsible for the budget of the department or county indicating that the required employer contributions have been provided for in the budget of the employing department or county. Each employer shall also certify, under penalty of perjury in accordance with KRS Chapter 523, that each employee's actual job duties are accurately reflected in the job description provided to the system. The system shall determine whether the employees whose names have been certified by the employer are working in positions meeting the definition of a hazardous position as defined in subsection (1)(b) of this section. The board shall have the authority to remove any employee from hazardous duty coverage if the board determines the employee is not working in a hazardous duty position or if the employee is classified in a hazardous duty position but has individual job duties that do not meet the definition of a hazardous duty position or are not accurately reflected in the job descriptions filed by the employer with the system.
- (3) (a) An employee who elects coverage under KRS 196.167(3)(b)2., and an employee participating in the Kentucky Employees Retirement System who is determined by the system to be working in a hazardous position in accordance with subsection (2) of this section, shall contribute, for each pay period for which he receives compensation, eight percent (8%) of his creditable compensation. An employee participating in the County Employees Retirement System who is determined by the system to be working in a hazardous duty position in accordance with subsection (2) of this section shall contribute, for each pay period for which he receives compensation, eight percent (8%) of his creditable compensation.
- (b) Each employer shall pay employer contributions based on the creditable compensation of the employees determined by the system to be working in a hazardous position at the employer contribution rate as determined by the board. The rate shall be determined by actuarial methods consistent with the provisions of KRS 61.565 *or Section 8, as applicable*.
- (c) If the employer participated in the system prior to electing hazardous duty coverage, the employer may pay to the system the cost of converting the nonhazardous service to hazardous service from the date of participation to the date the payment is made, or the employer may establish a payment schedule for payment of the cost of the hazardous service above that which would be funded within the existing employer contribution rate. The employer may extend the payment schedule to a maximum of thirty (30) years. Payments made by the employer under this subsection shall be deposited to the retirement allowance account of the proper retirement system and these funds shall not be considered accumulated contributions of the individual members. If the employer elects not to make the additional payment, the employee may pay the cost of converting the service and provide payment for the cost as provided by KRS 61.552(14). Payments made by the employee under this subsection shall not be picked up, as described in KRS 61.560(4), by the employer. If neither the employer nor employee makes the payment, the service prior to hazardous coverage shall remain nonhazardous. The provisions of this paragraph shall not apply to members who begin participating in the systems administered by Kentucky Retirement Systems *or County Employees Retirement System* on or after January 1, 2014.
- (4) The normal retirement age, retirement allowance, hybrid cash balance plans, other benefits, eligibility requirements, rights, and responsibilities of a member in a hazardous position, as prescribed by subsections (1), (2), and (3) of this section, and the responsibilities, rights, and requirements of his employer shall be as prescribed for a member and employer participating in the State Police Retirement System as provided for by KRS 16.505 to 16.652.
- (5) Any person employed in a hazardous position after July 1, 1972, shall be required to undergo a thorough medical examination by a licensed physician, and a copy of the medical report of the physician shall be retained on file by the employee's department or county and made available to the system upon request.
- (6) If doubt exists regarding the benefits payable to a hazardous position employee under this section, the board shall determine the benefits payable under KRS 61.510 to 61.705, or 78.510 to 78.852, or 16.505 to 16.652.

➔Section 25. 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 *or County Employees Retirement System* 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) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems *or County Employees Retirement System* within twelve (12) months of his or her retirement date, the retired member shall notify the retirement system and the participating employer shall submit the information required or requested by the systems to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the retirement systems regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
- (9) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems *or County Employees Retirement System* within twelve (12) months of his or her retirement date, 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 or leased employee 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 status as an independent contractor or leased employee. The retired member shall not be required to notify the retirement systems regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (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 *or County Employees Retirement System* 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 *or County Employees Retirement System* 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 County Employees Retirement System*, or has filed the forms required to receive a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems *or County Employees Retirement System*, and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems *or County Employees Retirement System* 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 *or County Employees Retirement System* 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 *or County Employees Retirement System*, 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 *or County Employees Retirement System* and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems *or County Employees Retirement System* 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. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the 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 has retired from the elected office within twelve (12) months 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 fails 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. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
  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, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by *Section 8 of this Act*, KRS 61.565, and *KRS 61.702, as applicable*, 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, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, 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 *or County Employees Retirement System*:
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 *or County Employees Retirement System*, 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;
- (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. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the 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 has retired from the elected office within twelve (12) months 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 fails 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. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
  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, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by *Section 8 of this Act*, KRS 61.565, and *KRS 61.702, as applicable*, 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;
  4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, 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;
- (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 *or County Employees Retirement System* 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 *twelve (12)*~~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;

- (f) 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;

- (g) If a member is receiving a retirement allowance from any of the retirement systems administered by the Kentucky Retirement Systems *or County Employees Retirement System* and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in one (1) of the systems administered by the Kentucky Retirement Systems *or County Employees Retirement System*:

1. At any time following retirement, if the system determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
2. Within three (3) months following the member's initial retirement date, if the system determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
3. After three (3) months but within twelve (12) months following the member's initial retirement, if the system determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the system or submit any documentation for purposes of this section to the system.

The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection; and

- (h) The Kentucky Retirement Systems *or County Employees Retirement System* shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Kentucky Retirement Systems *or County Employees Retirement System*.

- (18) The Kentucky Retirement Systems *and the County Employees Retirement System* shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference board-prescribed forms that a retired member and participating agency shall provide the systems under subsections (8), (9), and (17) of this section.

➔Section 26. 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 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) 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 ~~and~~ 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 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.
- (2) A copy of each five (5) year actuarial investigation, actuarial analysis, and annual 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 Retirement Systems. The actuarial valuation required by subsection (1)(b) of this section shall be submitted no later than November 15 following the close of the fiscal year.
- (3) The Legislative Research Commission may 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 27. KRS 61.701 is amended to read as follows:

- (1) (a) There is hereby created and established a trust fund to be known as "Kentucky Retirement Systems insurance trust fund~~[-]~~" *and a trust fund to be known as the "County Employees Retirement System insurance trust fund."*



- (b) All assets received in the **Kentucky Retirement Systems insurance** trust fund shall be deemed trust funds to be held and applied solely as provided in this section. Assets of the trust fund shall not be used for any other purpose and shall not be used to pay the claims of creditors or any individual, person, or employer participating in the Kentucky Employees Retirement System, ~~County Employees Retirement System,~~ or State Police Retirement System.
  - (c) *All assets received in the County Employees Retirement System insurance trust fund shall be deemed trust funds to be held and applied solely as provided in this section. Assets of the trust fund shall not be used for any other purpose and shall not be used to pay the claims of creditors or any individual, person, or employer participating in the County Employees Retirement System.*
  - (d)~~(b)~~ The trust fund is intended to be established as a trust exempt from taxation under 26 U.S.C. sec. 115.
  - (e) *Effective April 1, 2021, the assets held in the Kentucky Retirement Systems insurance trust fund as of March 31, 2021, that were attributable to contributions made by County Employees Retirement System members, employers, or recipients and the resulting investment returns shall be transferred to the County Employees Retirement System insurance trust fund.*
- (2) The ~~trust funds are~~~~trust fund is~~ created for the purpose of providing a trust separate from the retirement funds. Trust fund assets are dedicated for use for health benefits as provided in KRS 61.702, and as permitted under 26 U.S.C. secs. 105 and 106, to retired recipients and employees of employers participating in the Kentucky Employees Retirement System *as it relates to the Kentucky Retirement Systems insurance trust fund*, County Employees Retirement System *as it relates to the County Employees Retirement System insurance trust fund*, and State Police Retirement System *as it relates to the Kentucky Retirement Systems insurance trust fund*, and to certain of their dependents or beneficiaries, including but not limited to qualified beneficiaries as described in 42 U.S.C. secs. 300bb-1 et seq.
  - (3) The **Kentucky Retirement Systems insurance** trust fund shall be administered by the board of trustees of the Kentucky Retirement Systems *and the County Employees Retirement System insurance trust fund shall be administered by the board of trustees of the County Employees Retirement System* and the *respective* board shall serve as trustees of the fund. The ~~boards~~~~board~~ shall manage the assets of the ~~funds~~~~fund~~ in the same manner in which *the respective board*~~it~~ administers ~~its~~~~the~~ retirement funds, except that separate accounting and financial reporting shall be maintained for the trust ~~funds~~~~fund~~.
  - (4) In addition to the requirements of subsection (2) of this section, the employers participating in the trust ~~funds~~~~fund~~ are limited to the Commonwealth, political subdivisions of the Commonwealth, and entities whose income is exempt from taxation under 26 U.S.C. sec. 115. No other entity may participate in the trust ~~funds~~~~fund~~.
  - (5) If ~~a~~~~the~~ trust fund is terminated, the assets in the trust fund may revert, after the payment of all liabilities, to the participating employers as determined by the board of trustees.
  - (6) The *respective* board of trustees may adopt regulations and procedures and take all action necessary and appropriate to provide that the income of the trust fund *the board administers* is exempt from taxation under Title 26 of United States Code.
  - (7) The establishment of *the* Kentucky Retirement Systems insurance trust fund *or the County Employees Retirement System insurance trust fund* shall not diminish or expand the rights of any recipients, employees, or dependents to health benefits.

➔Section 28. KRS 61.702 is amended to read as follows:

- (1) (a) 1. The board of trustees of Kentucky Retirement Systems *and the County Employees 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 ~~systems~~ *the respective boards administer*~~[Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System]~~, except as provided in subsection (8) of this section. *Each respective*~~[The]~~ board shall also arrange to provide health care coverage through an insurer licensed pursuant to Subtitle 38 of KRS Chapter 304 and offering a managed care plan as defined in KRS 304.17A-500, as an alternative to group hospital and medical insurance for any person eligible for hospital and medical benefits under this section.

2. Any person who chooses coverage under a hospital and medical insurance plan shall pay, by payroll deduction from the retirement allowance or by another method, the difference in premium between the cost of the hospital and medical insurance plan coverage and the benefits to which he would be entitled under this section.
3. For purposes of this section, "hospital and medical insurance plan" may include, at *each respective*~~the~~ board's discretion, any one (1) or more of the following:
  - a. Any hospital and medical expense policy or certificate, provider-sponsored integrated health delivery network, self-insured medical plan, health maintenance organization contract, or other health benefit plan;
  - b. Any health savings account as permitted by 26 U.S.C. sec. 223 or health reimbursement arrangement or a similar account as may be permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account, in the board's discretion, may reimburse any medical expense permissible under 26 U.S.C. sec. 213; or
  - c. A medical insurance reimbursement program established by the board through the promulgation of administrative regulation under which members purchase individual health insurance coverage through a health insurance exchange established under 42 U.S.C. sec. 18031 or 18041.
- (b) *Each respective*~~The~~ board may authorize present and future recipients of a retirement allowance from any of the ~~three (3)~~ retirement systems *the board administers* 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, except as provided in subsection (8) of this section. Notwithstanding the provisions of any other statute, recipients shall be included in the same class as current state employees in determining medical insurance policies and premiums.
- (c) 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, *each respective*~~the~~ board shall provide a medical insurance reimbursement plan as described in subsection (7) of this section.
- (d) Notwithstanding anything in KRS Chapter 61 to the contrary, *each respective*~~the~~ board of trustees, in its discretion, may take necessary steps to ensure compliance with 42 U.S.C. secs. 300bb-1 et seq., including but not limited to receiving contributions and premiums from, and providing benefits pursuant to this section to, persons entitled to continuation coverage under 42 U.S.C. secs. 300bb-1 et seq., regardless of whether such persons are recipients of a retirement allowance.
- (2) (a) Each employer participating in the State Police Retirement System as provided for in KRS 16.505 to 16.652, each employer participating in the County Employees Retirement System as provided in KRS 78.510 to 78.852, and each employer participating in the Kentucky Employees Retirement System as provided for in KRS 61.510 to 61.705 shall contribute to the ~~[Kentucky Retirement Systems] insurance trust funds~~ *established by Section 27 of this Act*~~fund~~ the amount necessary to provide hospital and medical insurance as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate to each respective retirement system determined under KRS 61.565 *or Section 8 of this Act, as applicable.*
- (b) 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member having a membership date on or after September 1, 2008, an amount equal to one percent (1%) of the member's creditable compensation. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510, 61.515, and 78.520, or the ~~[Kentucky Retirement Systems] insurance trust funds~~ *established under KRS 61.701*, or partially to one (1) fund with the remainder deposited to the other fund. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510, 61.515, and 78.520, and the ~~[Kentucky Retirement Systems] insurance trust funds~~ *established under KRS 61.701* shall not be allowed.

2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 61.675 and 78.625. Any interest or penalties paid on any delinquent contributions shall be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510, 61.515, and 78.520, or the ~~{Kentucky Retirement Systems}~~ insurance trust ***funds***~~{fund}~~ established under KRS 61.701. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.
  3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by *each respective*~~{the}~~ board of trustees pursuant to KRS Chapter 13A.
  4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. No member may elect whether to participate in, or choose the contribution amount payable to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, or the ~~{Kentucky Retirement Systems}~~ insurance trust ***funds***~~{fund}~~ established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, or the ~~{Kentucky Retirement Systems}~~ insurance trust ***funds***~~{fund}~~ established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(1) or 61.552(20), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852.
  5. The *respective* board of trustees, at its discretion, may direct that the contributions required by this paragraph be accounted for within accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, or the ~~{Kentucky Retirement Systems}~~ insurance trust ***funds***~~{fund}~~ established under KRS 61.701, through the use of separate accounts.
- (3) (a) The premium required to provide hospital and medical benefits under this section shall be paid:
1. Wholly or partly from funds contributed by the recipient of a retirement allowance, by payroll deduction, or otherwise;
  2. Wholly or partly from funds contributed by the ~~{Kentucky Retirement Systems}~~ insurance trust ***funds established under Section 27 of this Act***~~{fund}~~;
  3. Wholly or partly from funds contributed to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520;
  4. Wholly or partly from funds contributed by another state-administered retirement system under a reciprocal arrangement, except that any portion of the premium paid from the ~~{Kentucky Retirement Systems}~~ insurance trust ***funds***~~{fund}~~ or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 under a reciprocal agreement shall not exceed the amount that would be payable under this section if all the member's service were in one (1) of the systems administered by the Kentucky Retirement Systems *or County Employees Retirement System*;
  5. Partly from subparagraphs 1. to 4. of this paragraph, except that any premium for hospital and medical insurance over the amount contributed by the ~~{Kentucky Retirement Systems}~~ insurance trust ***funds***~~{fund}~~; accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520; or another state-administered retirement system under a reciprocal agreement shall be paid by the recipient by an automatic electronic transfer of funds. If the board provides for cross-referencing of insurance premiums, the employer's

contribution for the working member or spouse shall be applied toward the premium, and the ~~[Kentucky Retirement Systems]~~ insurance trust ~~funds~~~~[fund]~~ or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 shall pay the balance, not to exceed the monthly contribution; or

6. In full from the ~~[Kentucky Retirement Systems]~~ insurance trust ~~funds~~~~[fund]~~ or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 for all recipients of a retirement allowance from any of the three (3) retirement systems ***administered by the Kentucky Retirement Systems or the County Employees Retirement System*** where such recipient is a retired former member of one (1) or more of the three (3) retirement systems ***administered by the Kentucky Retirement Systems or the County Employees Retirement System*** (not a beneficiary or dependent child receiving benefits) and had two hundred and forty (240) months or more of service upon retirement. Should such recipient have less than two hundred forty (240) months of service but have at least one hundred eighty (180) months of service, seventy-five percent (75%) of such premium shall be paid from the insurance trust fund or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, provided such recipient agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his retirement allowance or by another method. Should such recipient have less than one hundred eighty (180) months of service but have at least one hundred twenty (120) months of service, fifty percent (50%) of such premium shall be paid from the insurance trust fund or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, provided such recipient agrees to pay the remaining fifty percent (50%) by payroll deduction from his retirement allowance or by another method. Should such recipient have less than one hundred twenty (120) months of service but have at least forty-eight (48) months of service, twenty-five percent (25%) of such premium shall be paid from the insurance trust fund or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, provided such recipient agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his retirement allowance or by another method. Notwithstanding the foregoing provisions of this subsection, an employee participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems who becomes disabled as a direct result of an act in line of duty as defined in KRS 16.505 or as a result of a duty-related injury as defined in KRS 61.621, shall have his premium paid in full as if he had two hundred forty (240) months or more of service. Further, an employee participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems who is killed as a direct result of an act in line of duty as defined in KRS 16.505 or as a result of a duty-related injury as defined in KRS 61.621, shall have the premium for the beneficiary, if the beneficiary is the member's spouse, and for each dependent child as defined in KRS 16.505, paid so long as they individually remain eligible for a monthly retirement benefit. "Months of service" as used in this section shall mean the total months of combined service used to determine benefits under any or all of the three (3) retirement systems ***administered by the Kentucky Retirement Systems or the County Employees Retirement System***, except service added to determine disability benefits shall not be counted as "months of service." For current and former employees of the Council on Postsecondary Education who were employed prior to January 1, 1993, and who earn at least fifteen (15) years of service credit in the Kentucky Employees Retirement System, "months of service" shall also include vested service in another retirement system other than the Kentucky Teachers' Retirement System sponsored by the Council on Postsecondary Education.
- (b)
    1. For a member electing insurance coverage through the Kentucky Retirement Systems ***or County Employees Retirement System***, "months of service" shall include, in addition to service as described in paragraph (a) of this subsection, service credit in one (1) of the other state-administered retirement plans.
    2. Effective August 1, 1998, the Kentucky Retirement Systems ***or County Employees Retirement System*** shall compute the member's combined service, including service credit in another state-administered retirement plan, and calculate the portion of the member's premium to be paid by the insurance trust fund accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, according to the criteria established in paragraph (a) of this subsection. Each state-administered retirement plan annually shall pay to the insurance trust fund the percentage of the system's cost of the retiree's monthly contribution for single coverage for hospital and medical insurance which shall be equal to the percentage of the

member's number of months of service in the other state-administered retirement plan divided by his total combined service. The amounts paid by the other state-administered retirement plans and the insurance trust fund or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 shall not be more than one hundred percent (100%) of the monthly contribution adopted by the respective boards of trustees.

3. A member may not elect coverage for hospital and medical benefits under this subsection through more than one (1) of the state-administered retirement plans.
  4. A state-administered retirement plan shall not pay any portion of a member's monthly contribution for medical insurance unless the member is a recipient or annuitant of the plan.
  5. The premium paid by the ~~{Kentucky Retirement Systems}~~ insurance trust ~~funds~~~~fund~~ ***established by Section 27 of this Act*** or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 shall not exceed one hundred percent (100%) of the monthly contribution rate toward hospital and medical insurance coverage approved by the board of trustees of the Kentucky Retirement Systems ***or the board of trustees of the County Employees Retirement System.***
- (4) (a) Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse, each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance or by another method. For purposes of this subsection only, a child shall be considered disabled if he has been determined to be eligible for federal Social Security disability benefits or meets the dependent disability standard established by the Department of Employee Insurance in the Personnel Cabinet.
- (b) The other provisions of this section notwithstanding, the insurance trust ~~funds~~~~fund~~ or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 shall pay a percentage of the monthly contribution for the spouse and for each dependent child of a recipient who was a member of the General Assembly and is receiving a retirement allowance based on General Assembly service, of the Kentucky Employees Retirement System and determined to be in a hazardous position, of the County Employees Retirement System, and determined to be in a hazardous position or of the State Police Retirement System. The percentage of the monthly contribution paid for the spouse and each dependent child of a recipient who was in a hazardous position shall be based solely on the member's service with the State Police Retirement System or service in a hazardous position using the formula in subsection (3)(a) of this section, except that for any recipient of a retirement allowance from the County Employees Retirement System who was contributing to the system on January 1, 1998, for service in a hazardous position, the percentage of the monthly contribution shall be based on the total of hazardous service and any nonhazardous service as a police or firefighter with the same agency, if that agency was participating in the County Employees Retirement System but did not offer hazardous duty coverage for its police and firefighters at the time of initial participation.
- (c) The insurance trust ~~funds~~~~fund~~ or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, ~~KRS~~ 61.515, and 78.520 shall continue the same level of coverage for a recipient who was a member of the County Employees Retirement System after the age of sixty-five (65) as before the age of sixty-five (65), if the recipient is not eligible for Medicare coverage. If the insurance trust ~~funds~~~~fund~~ or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 provides coverage for the spouse or each dependent child of a former member of the County Employees Retirement System, the insurance trust fund or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 shall continue the same level of coverage for the spouse or each dependent child after the age of sixty-five (65) as before the age of sixty-five (65), if the spouse or dependent child is not eligible for Medicare coverage.
- (5) After July 1, 1998, notwithstanding any other provision to the contrary, a member who holds a judicial office but did not elect to participate in the Judicial Retirement Plan and is participating instead in the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System, as provided in KRS 61.680, and who has at least twenty (20) years of total service, one-half (1/2) of which is in a judicial office, shall receive the same hospital and medical insurance benefits, including paid benefits for spouse and dependents, as provided to persons retiring under the provisions of KRS 21.427. The

Administrative Office of the Courts shall pay the cost of the medical insurance benefits provided by this subsection.

- (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 trust ~~funds~~~~(fund)~~ or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and 78.520 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) ***Each*** ~~respective~~~~(The)~~ board shall promulgate an administrative regulation to establish a medical insurance reimbursement plan to provide reimbursement for hospital and medical insurance premiums of recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky and having the same Medicare hospital and medical insurance eligibility status. An eligible recipient shall file proof of payment for hospital and medical insurance 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 premium determined under subsection (3) of this section. The plan shall not be made available if all recipients are eligible for the same coverage as recipients living in Kentucky.
- (8)
  - (a)
    1. For employees having a membership date on or after July 1, 2003, and before September 1, 2008, participation in the insurance benefits provided under this section shall not be allowed until the employee has earned at least one hundred twenty (120) months of service in the state-administered retirement systems.
    2. For an employee having a membership date on or after September 1, 2008, participation in the insurance benefits provided under this section shall not be allowed until the employee has earned at least one hundred eighty (180) months of service credited under KRS 16.543(1), 61.543(1), or 78.615(1) or another state-administered retirement system.
  - (b) An employee who meets the minimum service requirements as provided by paragraph (a) of this subsection shall be eligible for benefits as follows:
    1. For employees who are not in a hazardous position, a monthly insurance contribution of ten dollars (\$10) for each year of service as a participating employee.
    2. For employees who are in a hazardous position or who participate in the State Police Retirement System, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position or as a participating member of the State Police Retirement System. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position or as a participating member of the State Police Retirement System.
  - (c)
    1. The minimum service requirement to participate in benefits as provided by paragraph (a) of this subsection shall be waived for a member who is disabled as a direct result of an act in line of duty as defined in KRS 16.505, and the member or his spouse and eligible dependents shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a hazardous position.
    2. The minimum service required to participate in benefits as provided by paragraph (a) of this subsection shall be waived for a member who is disabled by a duty-related injury as defined in KRS 61.621, and the member shall be entitled to the benefits payable under this subsection as though the member has twenty (20) years of service in a nonhazardous position.
    3. Notwithstanding the provisions of this section, the minimum service required to participate in benefits as provided by paragraph (a) of this subsection shall be waived for a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, and the premium for the member's spouse and for each dependent child as defined in KRS 16.505 shall be paid in full by the systems so long as they individually remain eligible for a monthly retirement benefit.
  - (d) Except as provided by paragraph (c)3. of this subsection, the monthly insurance contribution amount 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 contribution is payable to the retired member or beneficiary.

- (e) The benefits of this subsection provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 61.692, 16.652, and 78.852. 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.
- (f) An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position.

➔Section 29. KRS 64.475 is amended to read as follows:

- (1) There is hereby established an advisory council to be known as the Executive Branch Compensation Advisory Council.
  - (a) The council shall consist of three (3) voting members: the state budget director, the secretary of the Governor's Executive Cabinet, and the secretary of the Finance and Administration Cabinet.
  - (b) The state budget director shall serve as the chair of the council.
  - (c) If a voting member is unable to attend a meeting of the council, he shall designate, in writing, a member of his staff to attend in his place, and such designation shall confer on such designee, for that meeting only, the authority to act, including the right to vote on any matter coming before the council.
- (2) The council shall be attached to the Personnel Cabinet for administrative purposes. Personnel Cabinet staff shall provide necessary administrative and operational support for the council. The council may, from time to time, utilize the services of professional and technical personnel employed by other agencies of state government, if the need arises. The council shall meet on a quarterly basis at a time and place to be determined by the council. Additional meetings may be called upon request of two (2) voting members of the council.
- (3) The duties of the council shall include the following:
  - (a) Advise and make recommendations to the secretary of the Personnel Cabinet on appropriate salaries for the following:
    - 1. The heads of the various departments in the executive branch of state government, with the exception of:
      - a. Departments headed by constitutionally elected officers;
      - b. The Department of Education;
      - c. The Council on Postsecondary Education; and
      - d. The Kentucky Authority for Educational Television;
    - 2. The heads of offices, as defined in KRS 12.010;
    - 3. The administrative heads of boards and commissions and for their employees, if they are not covered by the salary schedules set forth in KRS Chapter 16, KRS Chapter 18A, or KRS Chapter 151B, notwithstanding any other statute to the contrary 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 County Employees Retirement System, the Kentucky Public Pensions Authority*, 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;
    - 4. Requests from boards, commissions, or cabinet heads to approve salary increases in excess of those increases provided other state employees to individuals in the positions listed in paragraphs (a), (b), and (c) of this subsection;
  - (b) Advise the secretary of the Personnel Cabinet on requests from agencies to establish or abolish a separate salary schedule, or schedules, reflective of the marketplace need to recruit and hire classified

employees in technical or professional fields when the classified service salary schedule is inadequate. A positive recommendation of such requests shall not be granted unless significant credible evidence exists of a job market shortage and an inadequacy of the classified or unclassified salary schedules to recruit and retain competent, qualified applicants for such positions; and

- (c) Recommend that the Personnel Cabinet conduct salary surveys of the executive branch positions outlined in subsection (3)(a)1., 2., and 3. of this section, using state governments in the seven (7) states contiguous to the Commonwealth, other states in the southeastern United States, and private sector employers, where appropriate.
- (4) The council's recommendations shall:
  - (a) Take into consideration the provisions of KRS 64.640, if the specific position in question is subject to the provisions of KRS 64.640; and
  - (b) Not take into consideration the provisions of KRS 64.640, if the specific position in question is exempt from the provisions of KRS 64.640.

➔Section 30. 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 County Employees Retirement System, the Kentucky Public Pensions Authority***, 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 31. KRS 70.293 is amended to read as follows:

- (1) Individuals employed under KRS 70.291 to 70.293 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 county police department or sheriff's office;
  - (b) Receive compensation according to the standard procedures applicable to the employing county police department or sheriff's office; and
  - (c) Be employed based upon need as determined by the county police department or the employing sheriff's office.
- (2) 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 KRS 70.291 to 70.293 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 *or the County Employees Retirement System*;
  - (b) Individuals employed under KRS 70.291 to 70.293 shall not be eligible to receive health insurance coverage through the county police department, the sheriff's office, or the fiscal court of the county police department or sheriff's office;
  - (c) The county police department, sheriff's office, or fiscal court of the county police department or sheriff's office shall not pay any employer contributions or retiree health expense reimbursements to the Kentucky Retirement Systems required by KRS 61.637(17) for individuals employed under KRS 70.291 to 70.293; and
  - (d) The county police department, sheriff's office, or fiscal court of the county police department or sheriff's office shall not pay any insurance contributions to the state health insurance plan, as provided by KRS 18A.225 to 18A.2287, for individuals employed under KRS 70.291 to 70.293.
- (3) Individuals employed under KRS 70.291 to 70.293 shall be subject to any merit system, civil service, or other legislative due process provisions applicable to the county police department or sheriff's office. A decision not to renew a one (1) year appointment term under this section shall not be considered a disciplinary action or deprivation subject to due process.

➔Section 32. KRS 78.510 is repealed, reenacted, and 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 *Section 3 of this Act* ~~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, *cities*, charter county *governments* ~~[government]~~, ~~[-or]~~ urban-county *governments*, *consolidated local governments*, *or unified local governments* ~~[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 ceased*~~[not been terminated]~~ under *Section 34 of this Act*~~[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,~~[or investment returns earned as provided by KRS 61.5956,]~~ on the amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon~~[or investment returns earned as provided by KRS 61.5956]~~. "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":
  - (a) Except as *limited*~~[provided]~~ by paragraph ~~[(b) or]~~ (c) of this subsection, 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). *The creditable compensation of fee officers who receive salary, fees, maintenance, or other perquisites as a result of their official duties is the gross amount received decreased by the cost of salary paid deputies and clerks and the cost of office supplies and other official expenses;*
  - (b) Includes:
    1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which 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);
    2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
    3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
    4. 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; and

5. 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); and
- (c) Excludes:
1. ~~{Uniform, equipment, or any other expense allowances paid on or after January 1, 2019, }~~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;
  2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
  3. Training incentive payments for city officers paid as set out in KRS 64.5277 to 64.5279;
  4. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; **and**
  5. ~~{For employees who are employed in a nonhazardous position, who began participating prior to September 1, 2008, and who retire after July 1, 2023, lump-sum payments for compensatory time upon termination of employment; and~~
  6. ~~Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;~~

(14) "Final compensation" means:

- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, 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~~except that for members retiring on or after January 1, 2019, the five (5) fiscal years shall be complete fiscal years~~. If the number of months of service credit during the five (5) year period is less than forty-eight (48)~~for members retiring prior to January 1, 2019~~, one (1) or more additional fiscal years shall be used~~. If a member retiring on or after January 1, 2019, 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, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months~~;
- (b) For a member who is employed in a nonhazardous position, 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~~, and who retired prior to January 1, 2019~~, 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, which may contain less than twelve (12) months of service credit, shall be used;
- (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, 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, which may contain less than twelve (12) months of service

credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; 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~~[- or for a member who begins participating prior to September 1, 2008, who is employed in a hazardous position as provided in KRS 61.592, who retires on or after January 1, 2019]~~, 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. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (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 ~~employer[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 positions that are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable;
  - (d) Probationary positions which are positions of employment with a participating employer that do not exceed twelve (12) months and that are used uniformly by the participating agency on new employees who would otherwise be eligible for participation in the system. Probationary positions shall not be renewable by the participating employer for the same employee, unless the employee has not been employed with the participating employer for a period of at least twelve (12) months; or

- (e) 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 Public Pensions Authority**~~[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~~;
- (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; ~~or~~
  - ~~(c) For nonhazardous members who are participating in the 401(a) money purchase plan as provided by KRS 61.5956, the combined sum of the member's accumulated contributions and the member's accumulated employer contributions in the 401(a) money purchase plan;~~
- (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 *or the County Employees Retirement System* 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 *twelve (12)* ~~twenty-four (24)~~ months following the retired member's most recent retirement date;
- (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;
- (41) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- ~~[(42) "Accumulated employer contribution" means the employer contribution deposited to the member's account and any investment returns on such amounts as provided by KRS 61.5956; and]~~
- (42) *"Hazardous position" means a position that meets the requirements of Section 24 of this Act and has been approved by the board as hazardous;*
- (43) *"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;*
- (44) *"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;*
- ~~(45)~~~~[(43)]~~ (43) "Monthly average pay" means the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment;
- (46) *"Authority" means the Kentucky Public Pensions Authority as provided by Section 2 of this Act; and*
- (47) *"Executive director" means the executive director of the Kentucky Public Pensions Authority.*

➔Section 33. KRS 78.530 is amended to read as follows:

- (1) (a) Each county and school board, as defined in KRS 78.510, will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the governing body of the county or school board. In cases where general purpose county government does not participate, but the sheriff and his employees or the county clerk and his employees do, the sheriff or the clerk shall retain the order in his office. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be fixed in the order.
- (b) Notwithstanding any statute to the contrary, after April 9, 2002, the systems shall deny the request for participation of any agency which does not have an irrevocable contract with the state Personnel

Cabinet for health insurance coverage under KRS 18A.225 to 18A.229 for its active employees, except that:

1. County governments entering the system between April 9, 2002, and July 1, 2003, under this section shall be excluded from this requirement; and
  2. Agencies entering the system on or after April 9, 2002, which were established by a merger or an interlocal agreement to provide public services shall be excluded from this requirement if all agencies entering into the merger or interlocal agreement had an initial participation date with the system prior to April 9, 2002.
- (2) Once a county or school board participates, it shall thereafter continue to participate, except as provided in KRS 78.535.
- (3) (a) Concurrent with the adoption of the appropriate resolution to participate in the system, a county may elect the alternate participation plan which will require the county to purchase on behalf of each employee electing coverage, at the time the county elected to participate in the system as provided under **subsection (1)(b) and (c) of Section 35 of this Act** ~~KRS 78.540(2)~~, current service credit for employment in regular full-time positions between July 1, 1958, and the participation date of the county. Cities which participate in the system pursuant to subsection (6) of this section, KRS 79.080, 90.400, 90.410, 95.520, 95.621, 95.761, 95.768, 95.852, or 96.180 shall be required to purchase on behalf of each employee electing coverage only as much service credit as the employee has accumulated in the city-administered plan, up to the participation date of the city. Accumulated service shall include service for which an employee received a refund pursuant to KRS 95.620 or 95.866, if such refund has been repaid. If the employee has not yet repaid the refund, he may make payment to the system by any method acceptable to the system, and the requirement of five (5) years of continuous reemployment prior to repayment of refunds shall not apply. Upon the employee's repayment, the city shall purchase the associated service credit for the employee. Cost of such service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of such actuarial service shall be paid by the county;
- (b) The county shall establish a payment schedule subject to approval by the board for payment of the cost of such service over and above that which would be funded within the existing employer contribution rate. The maximum period allowed in a payment schedule shall be thirty (30) years, with interest at the rate actuarially assumed by the board. A shorter period is desirable and the board may approve any payment schedule provided it is not longer than a thirty (30) year period, except that cities which participate in the system pursuant to subsection (6) of this section, KRS 79.080, 90.400, 90.410, 95.520, 95.621, 95.761, 95.768, 95.852, or 96.180 may, at their option, extend the payment schedule to a maximum of thirty (30) years, may choose to make level payments at the interest rate actuarially assumed by the board over the life of the payment schedule chosen, and may retain employer contributions and the earnings thereon attributable to employees electing coverage;
- (c) A city entering the system under the alternate participation plan, may, by ordinance, levy a special property tax to pay for current service credit purchased for the period between July 1, 1958, and the participation date of the city. The special tax shall be to pay, within a period of no more than fifteen (15) years, for the cost of such service credit over that which would be funded within the existing employer contribution rate, as determined by the board's consulting actuary. The reason for levying the special tax and the disposition of the proceeds shall be part of the ordinance levying the tax. The special tax shall be rescinded when the unfunded prior service liability has been amortized, and shall not be subject to the provisions of KRS 132.017 or 132.027. In addition, the city may maintain any tax, the proceeds of which had been devoted to funding pension obligations under the locally administered plan prior to participation in the system, for the purpose of funding current service costs incurred after the date of participation. The city may increase the tax to pay current service costs which exceed the local pension system costs to which the tax had been devoted, but the city shall not collect from the tax more revenues than are necessary to pay current service costs incurred after the date of participation. The city may continue the tax so long as it participates in the system, and the tax shall not be subject to the provisions of KRS 132.017 or 132.027. The city shall not collect either tax authorized by this paragraph if its participation has been terminated pursuant to **Section 34 of this Act** ~~KRS 61.522~~;
- (d) The county may at a later date purchase current service credit from July 1, 1958, to the participation date of the county by alternate participation plan for those employees who rejected membership in the system at the time the county first participated. In addition, the employer shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the

participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his creditable compensation from the participation date of the county to the date he elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. Cost of the service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of the actuarial service shall be paid by the county. The county shall pay the cost of the service by lump sum or by adding it to the existing payment schedule established under paragraph (b) of this subsection;

- (e) A county which did not participate by alternate participation may, until July 1, 1991, purchase current service credit for those employees who rejected membership in the system at the time the county first participated. The employer shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his creditable compensation from the participation date of the county to the date he elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. The county shall pay the cost of the service credit by lump sum or by establishing a payment schedule under paragraph (b) of this subsection; and
  - (f) A county which participated in the system but did not elect the alternate participation plan may at a later date elect the alternate participation plan. In this case, the county shall purchase on behalf of each employee participating in the system current service credit for employment in regular full-time positions between July 1, 1958, or a later date selected by the county government, and the participation date of the county. The county shall also purchase, for employees who decide to participate when the county elects the alternate participation plan, current service credit for employment in regular full-time positions between July 1, 1958, or the later date selected by the county government, and the participation date of the county. In addition, the county shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his creditable compensation from the participation date of the county to the date he elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. Cost of the service credit over that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of the actuarial service shall be paid by the county. The county shall pay the cost of the service by lump sum or by a payment schedule established under paragraph (b) of this subsection.
  - (g) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, this subsection shall not apply to members who begin participating in the system on or after January 1, 2014, and no county that elects to participate in the system on or after January 1, 2014, shall be eligible to participate under the alternate participation plan.
- (4) Every school board not participating on June 21, 1974, shall enact a resolution of participation no later than July 1, 1976.
  - (5) The order of the governing body of a county, as provided for in subsection (1) of this section, may exclude from participation in the system hospitals and any other semi-independent agency. Each such excluded agency shall be identified in the order authorizing participation and such excluded agency may participate in the system as a separate agency.
  - (6) (a) After August 1, 1988, except as permitted by KRS 65.156, no local government retirement system shall be created pursuant to KRS 70.580 to 70.598 and any local government retirement systems created pursuant to KRS 79.080, 90.400, 90.410, 95.768, and KRS Chapter 96 shall be closed to new members. New employees who would have been granted membership in such retirement systems shall instead be granted membership in the County Employees Retirement System. Employees who would have been granted membership in retirement systems created pursuant to KRS 95.768, or any other policemen or firefighters who would have been granted membership in retirement systems created pursuant to KRS 79.080, 90.400, or 90.410, or any such policemen or firefighter members employed on or prior to August 1, 1988, who transfer to the County Employees Retirement System, shall be certified by their employers as working in hazardous positions. Each city participating in the County Employees Retirement System pursuant to this subsection shall execute the appropriate order authorizing such participation, shall select the alternate participation plan as described in subsection (3) of this section, and shall pay for the actuarial services necessary to determine the additional costs of alternate



participation. Cities which closed their local pension systems to new members and participated in the system prior to July 15, 1988, whose employees at the time of transition were given the option to join the system shall not be required to offer said employees a second option to join the system.

- (b) Notwithstanding any statute to the contrary, after April 9, 2002, the ~~system~~~~systems~~ shall deny the request for participation of any agency which does not have an irrevocable contract with the state Personnel Cabinet for health insurance coverage under KRS 18A.225 to 18A.229 for its active employees, except that agencies entering the system on or after April 9, 2002, which were established by a merger or an interlocal agreement to provide public services shall be excluded from this requirement if all agencies entering into the merger or interlocal agreement had an initial participation date with the system prior to April 9, 2002.
- (7) Any city which closed a police and firefighter pension plan to new members between January 1, 1988, and July 15, 1988, and participated in the system under the alternate participation plan shall, if its police and firefighters were not covered by Social Security, or any city which operates a pension under KRS 90.400 or 90.410, shall be required to certify that its police and firefighters are working in hazardous positions, and shall offer its police and firefighters in service at the time of entry a second option to participate under hazardous duty coverage if they were not offered hazardous duty coverage at the time of their first option. The provisions of subsection (3)(b) of this section notwithstanding, a city affected by this subsection may, at its option, extend its payment schedule to the County Employees Retirement System for alternate participation to thirty (30) years at the rate actuarially assumed by the board.

➔Section 34. KRS 78.535 is amended to read as follows:

*Notwithstanding any other provision of KRS 78.510 to 78.852 to the contrary:*

**(1) For purposes of this section:**

- (a) *"Active member" means a member who is participating in the system;*
- (b) *"Employer" means the governing body of a county as defined by KRS 78.510;*
- (c) *"Employer's effective cessation date" means the last day of the system's plan year in the year in which the employer has elected to cease participation in the system, provided the employer has met the requirements of this section and has given the system sufficient notice as provided by administrative regulations promulgated by the system; and*
- (d) *"Inactive member" means a member who is not participating with the system.*

**(2) Any employer participating in the County Employees Retirement System on July 1, 2015, may:**

- (a) *If the employer is a nonstock nonprofit corporation organized under KRS Chapter 273, voluntarily cease participation in the system subject to the requirements and restrictions of this section; or*
- (b) *Be required to involuntarily cease participation in the system under the provisions of this section if the board has determined the employer is no longer qualified to participate in a governmental plan or has failed to comply with the provisions of KRS 78.510 to 78.852.*

**(3) (a) If an employer desires to voluntarily cease participation in the County Employees Retirement System as provided by subsection (2)(a) of this section:**

1. *The employer shall adopt a resolution requesting to cease participation in the system and shall submit the resolution to the board for its approval;*
2. *The cessation of participation in the system shall apply to all employees of the employer;*
3. *The employer shall pay for all administrative costs of an actuarial study to be completed by the County Employees Retirement System consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board and as provided by this section;*
4. *The employer shall provide an alternative retirement program for employees who will no longer be covered by the system, which may include a voluntary defined contribution plan;*
5. *If the alternative retirement program established by the employer meets the qualification requirements under 26 U.S.C. sec. 401(a) and is capable of accepting trustee-to-trustee transfers of both pre-tax and post-tax contributions, an employee of the employer ceasing participation may seek to transfer his or her account balance to the employer's qualified*

*alternate retirement program within sixty (60) days of the employer's effective cessation date. An employee's election to transfer his or her account balance within sixty (60) days of the employer's effective cessation date is an irrevocable waiver of the right to obtain service credits in the system for the time worked for the employer ceasing participation; and*

6. *The employer shall pay by lump sum to the system the full actuarial cost of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required by subparagraph 3. of this paragraph. The full actuarial cost shall not include any employee who seeks to transfer his or her account balance to the alternative retirement program as provided by subparagraph 5. of this paragraph within sixty (60) days of the employer's effective cessation date. The actuarial cost shall be fixed, and the employer shall not be subject to any increases or subsequent adjustments, once the lump sum is paid.*
- (b) *If the board determines an employer must involuntarily cease participation in the system as provided by subsection (2)(b) of this section:*
  1. *The cessation of participation in the system shall apply to all employees of the employer;*
  2. *The employer shall pay for all administrative costs of an actuarial study to be completed by the County Employees Retirement System consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board and as provided by this section; and*
  3. *The employer shall pay by lump sum to the system the full actuarial cost of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required by subparagraph 2. of this paragraph. The actuarial cost shall be fixed, and the employer shall not be subject to any increases or subsequent adjustments, once the lump sum is paid.*
- (4) *Any employee hired on or after the employer's effective cessation date by an employer who has ceased participation in the system as provided by this section shall not, regardless of his or her membership date in the County Employees Retirement System, be eligible to participate in the County Employees Retirement System through the employer that ceased participation for the duration of his or her employment with that employer.*
- (5) *If an employer has ceased participation in the system as provided by this section:*
  - (a) *The rights of recipients and the vested rights of inactive members accrued as of the employer's effective cessation date shall not be impaired or reduced in any manner as a result of the employer ceasing participation in the system; and*
  - (b) *Employees of the employer ceasing participation shall accrue benefits through the employer's effective cessation date but shall not accrue any additional benefits in the County Employees Retirement System, including earning years of service credit through the ceased employer, after the employer's effective cessation date for as long as they remain employed by the employer. The day after the employer's effective cessation date, each employee described by this paragraph shall be considered an inactive member with respect to his or her employment with the employer that ceased participation and, subject to the provisions and limitations of KRS 78.510 to 78.852, shall:*
    1. *Retain his or her accounts with the County Employees Retirement System and have those accounts credited with interest in accordance with KRS 78.510 to 78.852;*
    2. *Retain his or her vested rights in accordance with paragraph (a) of this subsection; and*
    3. *Be eligible to take a refund of his or her accumulated account balance in accordance with KRS 61.625 or any other available distribution if eligible.*
- (6) *For purposes of this section, the full actuarial cost shall be determined by the County Employees Retirement System consulting actuary separately for the pension fund and the insurance fund using the assumptions and methodology established by the system specifically for determining the full actuarial cost of ceasing participation as of the employer's effective cessation date. For purposes of determining the full actuarial cost, the assumed rate of return used to calculate the cost shall be the lesser of the assumed rate of return utilized in the system's most recent actuarial valuation or the yield on a thirty (30) year United States treasury bond as of the employer's effective cessation date, but shall in no case be lower than the assumed*

*rate of return utilized in the system's most recent actuarial valuation minus three and one-half percent (3.5%).*

- (7) *The system shall promulgate administrative regulations pursuant to KRS Chapter 13A to administer this section.*
- (8) *Any employer who voluntarily ceases participation, or who is required to involuntarily cease participation as provided in this section, shall hold the Commonwealth harmless from damages, attorney's fees, and costs from legal claims for any cause of action brought by any member or retired member of the departing employer.*

~~[(1) If a participating county fails to fully comply with the provisions of KRS 78.510 to 78.852, the board may require the county to involuntarily cease participation in the system as provided by KRS 61.522.]~~

- ~~(9) [(2)]~~ In lieu of cessation of participation of a county which fails to fully comply with the provisions of KRS 78.510 to 78.852, the board may file an action in the Franklin Circuit Court to collect money owed and to attach so much of the general fund of the delinquent county as is necessary to achieve full compliance with the provisions of KRS 78.625.

- (10) *The board may utilize the provisions of subsection (3)(b) or (4) of Section 38 of this Act to ensure employer compliance and payment of any amount payable by an employer under the provisions of this section.*

➔Section 35. KRS 78.540 is amended to read as follows:

Membership in the system shall consist of the following:

- (1) (a) All persons who become employees of a participating county after the date the county first participates in the system, except that:
  - 1. Mayors and members of city legislative bodies may decline prior to their participation in the system; and
  - 2. City managers or other appointed local government executives who participate in a retirement system, other than Social Security, may decline prior to their participation in the system;
- ~~(b) [(2)(a)]~~ All persons who are employees of a county on the date the county first participates in the system, either in service or on authorized leave from service, and who elect within thirty (30) days next following the county's participation, or in the case of persons on authorized leave, within thirty (30) days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 78.520 to 78.852;
- ~~(c) [(b)]~~ All persons who are employees of a county who did not elect to participate within thirty (30) days of the date the county first participated in the system or within thirty (30) days of their return to active service and who subsequently elect to participate the first day of a month after the county's date of participation;
- ~~(d) [(3)]~~ All persons who declined participation *as provided by paragraph (a) in subsection (1)* of this ~~subsection [section]~~ and who later elect to participate. Persons who elect to participate under this ~~paragraph [subsection]~~ may purchase service credit for any prior years by paying a delayed contribution payment, provided the person began participating in the system prior to January 1, 2014. The service shall not be included in the member's total service for purposes of determining benefits under KRS 61.702; and
- ~~(e) [(4)]~~ All persons electing coverage in the system under KRS 78.530(3)(d).
- ~~(2) [(5)]~~ The provisions of ~~subsection [subsections]~~ (1)(a) to (1)(c) ~~and (2)~~ of this section notwithstanding, cities which participate in the CERS and close existing local pension systems to new, or all members pursuant to the provisions of KRS 78.530, 95.520, 95.621, or 95.852 shall not be required to provide membership in the County Employees Retirement System to employees in any employee category not covered by a city pension system at the date of participation.
- ~~(3) [(6)]~~ Membership in the system shall not include:
  - (a) Persons who are not eligible to participate in the system as provided by *Section 34 of this Act; or* ~~KRS 61.522 or those~~
  - (b) Employees who are simultaneously participating in another state-administered defined benefit plan within Kentucky other than those administered by the Kentucky Retirement Systems *or the County*

*Employees Retirement System*, except for employees who have ceased to contribute to one (1) of the state-administered retirement plans as provided in KRS 21.360.

- (4) (a) *The membership of any person in the system shall cease:*
1. *Upon withdrawal of his accumulated account balance at or any time after termination of employment, regardless of length of service;*
  2. *Upon retirement;*
  3. *Upon death;*
  4. *For persons hired prior to August 1, 2000, upon termination of employment with prejudice, as defined by paragraph (b) of this subsection; or*
  5. *For persons hired on or after August 1, 2000, upon conviction of a felony relating to the person's employment as provided in paragraph (c) of this subsection.*
- (b) *For purposes of KRS 78.510 to 78.852, termination of employment with prejudice shall mean termination as the result of conviction of the member in a court of competent jurisdiction of embezzlement or larceny of public funds or property or malfeasance in office, or the forcing of a member to make restitution for any funds or property criminally taken by the member at the time of termination of employment.*
- (c) *Notwithstanding any provision of law to the contrary, an employee hired on or after August 1, 2000, who participates in the system and who is convicted, in any state or federal court of competent jurisdiction, of a felony related to his employment shall forfeit rights and benefits earned under the system, except for the return of his accumulated contributions and interest credited on those contributions. The payment of retirement benefits ordered forfeited shall be stayed pending any appeal of the conviction. If the conviction is reversed on final judgment, no retirement benefit shall be forfeited. The employer shall notify the system when an employee is convicted under the provisions of this subsection.*
- (d) *When membership ceases, except in the case of retirement, the member shall thereafter lose all right to any retirement allowance or benefits under KRS 78.510 to 78.852 arising from service prior to the date of such cessation of membership.*

➔Section 36. KRS 78.610 is amended to read as follows:

- (1) Each employee shall, commencing on August 1, 1990, contribute, for each pay period for which he receives compensation, five percent (5%) of his creditable compensation.
- (2) The agency reporting official of a participating county shall cause to be deducted from the "creditable compensation" of each employee for each and every payroll period subsequent to the date the county participated in the system the contribution payable by the member as provided in KRS 78.510 to 78.852. The agency reporting official shall promptly pay the deducted employee contributions to the system in accordance with KRS 78.625.
- (3) The deductions provided for in subsection (2) of 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 in subsection (2) of this section; and payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 78.510 to 78.852.
- (4) Each employer 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. These contributions shall not be included as gross income of the employee until the contributions are distributed or made available to the employee. The picked-up employee contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982, by the employee contribution, and the picked-up employee contribution shall be in lieu of an employee contribution. Each employer shall pay these picked-up employee contributions from the same source of funds which is used to pay earnings to the employee. The employee shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employee

contributions picked up after August 1, 1982, shall be treated for all purposes of KRS 78.510 to 78.852 in the same manner and to the same extent as employee contributions made prior to August 1, 1982.

- (5) The provisions of this section shall not apply to individuals who are not eligible for membership as provided by **Section 34 of this Act**~~[KRS 61.522]~~.

➔Section 37. KRS 78.615 is amended to read as follows:

- (1) Employee contributions shall be deducted each payroll period from the creditable compensation of each employee of an agency participating in the system while he is classified as regular full-time as defined in KRS 78.510 unless the person did not elect to become a member as provided by KRS 78.540~~(2)~~ or is not eligible to participate in the system as provided by **Section 34 of this Act**~~[KRS 61.522]~~. After August 1, 1982, employee contributions shall be picked up by the employer pursuant to KRS 78.610(4).
- (a) For employees who are not employed by a school board, service credit shall be allowed for each month contributions are deducted or picked up during a fiscal or calendar year, if the employee receives creditable compensation for an average of one hundred (100) hours or more of work per month based on the actual hours worked in a calendar or fiscal year. If the average number of hours of work is less than one hundred (100) hours per month, the employee shall be allowed credit only for those months he receives creditable compensation for one hundred (100) hours of work.
- (b) For noncertified employees of school boards, for service prior to July 1, 2000, service credit shall be allowed for each month contributions are deducted or picked up under the employee's employment contract during a school year determined by dividing the actual number of contracted calendar days worked by twenty (20) and rounded to the nearest whole month if the employee receives creditable compensation for an average of eighty (80) or more hours of work per month based on the employee's employment contract. The school board shall certify the number of calendar days worked, the rate of pay, and the hours in a work day for each employee monthly or annually. The employer shall file at the retirement office the final monthly report or the annual report for a fiscal year no later than twenty (20) days following the completion of the fiscal year. The retirement system shall impose a penalty on the employer of one thousand dollars (\$1,000) if the information is not submitted by the date required with an additional two hundred and fifty dollars (\$250) for each additional thirty (30) day period the information is reported late.
1. If the employee works fewer than the number of contracted calendar days, the employee shall receive service credit determined by dividing the actual number of contracted calendar days worked by twenty (20) and rounded to the nearest whole month, provided that the number of hours worked during the period averages eighty (80) or more hours.
  2. If the employee works fewer than the number of contracted calendar days and the average number of hours worked is less than eighty (80) per month, then the employee shall receive service credit for each calendar month in which he worked eighty (80) or more hours.
  3. The retirement system shall refund contributions and service credit for any period for which the employee is not given credit under this subsection.
- (c) For noncertified employees of school boards, for service on and after July 1, 2000, at the close of each fiscal year, the retirement system shall add service credit to the account of each employee who made contributions to his or her account during the year. Employees shall be entitled to a full year of service credit if their total paid calendar days were not less than one hundred eighty (180) calendar days for a regular school or fiscal year. In the event an employee is paid for less than one hundred eighty (180) calendar days, the employee may purchase credit according to administrative regulations promulgated by the system. In no case shall more than one (1) year of service be credited for all service performed in one (1) fiscal year. Employees who complete their employment contract prior to the close of a fiscal year and elect to retire prior to the close of a fiscal year shall have their service credit reduced by eight percent (8%) for each calendar month that the retirement becomes effective prior to July 1. Employees who are employed and paid for less than the number of calendar days required in their normal employment year shall be entitled to pro rata service credit for the fractional service. This credit shall be based upon the number of calendar days employed and the number of calendar days in the employee's annual employment agreement or normal employment year. Service credit may not exceed the ratio between the school or fiscal year and the number of months or fraction of a month the employee is employed during that year.

- (d) Notwithstanding paragraph (c) of this subsection, a noncertified employee of a school board who retires between July 1, 2000, and August 1, 2001, may choose to have service earned between July 1, 2000, and August 1, 2001, credited as described in paragraph (b) of this subsection, if the employee or retired member notifies the retirement system within one (1) year of his initial retirement. The decision once made shall be irrevocable.
- (2) Employee contributions shall not be deducted from the creditable compensation of any employee or picked up by the employer while he is seasonal, emergency, temporary, or part-time. No service credit shall be earned.
- (3) Contributions shall not be made or picked up by the employer and no service credit shall be earned by a member while on leave except:
  - (a) A member on military leave shall be entitled to service credit in accordance with KRS 61.555; and
  - (b) A member on educational leave who meets the criteria established by the state Personnel Cabinet for approved educational leave, who is receiving seventy-five percent (75%) or more of full salary, shall receive service credit and shall pay member contributions in accordance with KRS 78.610, and his employer shall pay employer contributions or the contributions shall be picked up in accordance with **Section 8 of this Act**~~[KRS 61.565]~~. If a tuition agreement is broken by the member, the member and employer contributions paid or picked up during the period of educational leave shall be refunded.
- (4) The retirement office, upon detection, shall refund any erroneous employer and employee contributions made to the retirement system and any interest credited in accordance with KRS 78.640.

➔Section 38. KRS 78.625 is amended to read as follows:

- (1) ***The employer shall prepare the reporting records necessary for the system to administer the provisions of KRS 78.510 to 78.852 and, from time to time, shall furnish the information the system may require in the discharge of its duties. Upon employment of an employee, the employer shall inform him or her of his or her duties and obligations in connection with the system as a condition of employment.***
- (2) The agency reporting official of the county shall file the following at the retirement office on or before the tenth day of the month following the period being reported:
  - (a) The employee and employer contributions required under KRS 78.610, ***Section 8 of this Act***~~[61.565]~~, and ***Section 28 of this Act***~~[61.702]~~;
  - (b) The employer contributions and reimbursements for retiree health insurance premiums required under KRS 61.637; and
  - (c) A record of all contributions to the system on the forms prescribed by the systems.
- ~~(3)(2)~~ (a) If the agency reporting official fails to file at the retirement office all contributions and reports on or before the tenth day of the month following the period being reported, interest on the delinquent contributions at the actuarial rate adopted by the board compounded annually, but not less than one thousand dollars (\$1,000), may be added to the amount due the system.
- (b) Delinquent contributions, with interest at the rate adopted by the board compounded annually, or penalties may be recovered by action in the Franklin Circuit Court against the county liable or may, at the request of the board, be deducted from any other moneys payable to the county by any department or agency of the state.
- ~~(4)(3)~~ If an agency is delinquent in the payment of contributions due in accordance with any of the provisions of KRS 78.510 to 78.852, refunds and retirement allowance payments to members of this agency may be suspended until the delinquent contributions, with interest at the rate adopted by the board compounded annually, or penalties have been paid to the system.
- (5) ***The system may at any time conduct an audit of the employer in order to determine if the employer is complying with the provisions of KRS 78.510 to 78.852. The system shall have access to and may examine all books, accounts, reports, correspondence files, and records of any employer. Every employer, employee, or agency reporting official of a county, as defined in subsection (3) of Section 32 of this Act, having records in its possession or under its control, shall permit access to and examination of the records upon the request of the system.***

➔Section 39. KRS 78.852 is amended to read as follows:

- (1) For members who begin participating in the County Employees Retirement System prior to January 1, 2014, it is hereby declared that in consideration of the contributions by the members and in further consideration of benefits received by the county from the member's employment, KRS 78.510 to 78.852 shall, ***except as provided in KRS 6.696 effective September 16, 1993***, constitute an inviolable contract of the Commonwealth, and the benefits provided therein shall not be subject to reduction or impairment by alteration, amendment, or repeal, ~~except:~~
  - (a) ~~As provided in KRS 6.696; and~~
  - (b) ~~The General Assembly reserves the right to amend, reduce, or suspend any legislative changes to the provisions of KRS 78.510 to 78.852 that become effective on or after July 1, 2018.~~
- (2) (a) For members who begin participating in the County Employees Retirement System on or after January 1, 2014, the General Assembly reserves the right to amend, suspend, or reduce the benefits and rights provided under KRS 78.510 to 78.852 if, in its judgment, the welfare of the Commonwealth so demands, except that the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall not be affected.
- (b) For purposes of this subsection, the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall be limited to the accumulated account balance the member has accrued at the time of amendment, suspension, or reduction.
- (c) The provisions of this subsection shall not be construed to limit the General Assembly's authority to change any other benefit or right specified by KRS 78.510 to 78.852, except the benefits specified by paragraph (b) of this subsection, for members who begin participating in the County Employees Retirement System on or after January 1, 2014.
- (3) The provisions of this section shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend the benefits and rights of members of the County Employees Retirement System as provided by KRS 78.510 to 78.852 that the General Assembly had the authority to amend, reduce, or suspend, prior to July 1, 2013.
- (4) ***The responsibility for funding the provisions of KRS 78.510 to 78.852 shall be the responsibility of the employers participating in the County Employees Retirement System. For any employer failing to fund the requirements of KRS 78.510 to 78.852, the board shall have the full authority under the law to:***
  - (a) ***Require the employer to involuntarily cease participating and pay all costs for ceasing participation as provided by Section 34 of this Act; or***
  - (b) ***Suspend benefit payments and refunds or to seek legal action as provided by Section 38 of this Act for any employer failing to fund the requirements of KRS 78.510 to 78.852.***

➔Section 40. KRS 78.545 is amended to read as follows:

The following matters shall be administered ***for the County Employees Retirement System*** in the same manner subject to the same limitations and requirements as provided for the Kentucky Employees Retirement System as follows:

- (1) ~~{Cessation of membership, conditions, as provided for by KRS 61.535;~~
- ~~(2)—~~Statement of member and employer, as provided for by KRS 61.540;
- (2)~~{(3)}~~ Beneficiary to be designated by member, change, rights, as provided for by KRS 61.542;
- (3)~~{(4)}~~ Service credit determination, as provided for by KRS 61.545;
- ~~{(5)—Cessation of membership, loss of benefits, as provided for by KRS 61.550;}~~
- (4)~~{(6)}~~ Service credit, Armed Forces, as provided for by KRS 61.555;
- (5)~~{(7)}~~ Normal and early retirement eligibility requirements, as provided for by KRS 61.559;
- (6)~~{(8)}~~ Retirement allowance increases as provided for by KRS 61.691;
- (7)~~{(9)}~~ Retirement application procedure, effective retirement date, as provided for by KRS 61.590;
- (8)~~{(10)}~~ Disability retirement, conditions, as provided for by KRS 61.600;
- (9)~~{(11)}~~ Disability retirement, allowance, as provided for by KRS 61.605;

- ~~(10)(12)~~ Medical examination after disability retirement, as provided for by KRS 61.610;
- ~~(11)(13)~~ Disability retirement allowance, reduction, as provided for by KRS 61.615;
- ~~(12)(14)~~ Determination of retirement allowance, as provided for by KRS 61.595;
- ~~(13)(15)~~ Refund of contributions, conditions, as provided for by KRS 61.625;
- ~~(14)(16)~~ Refund of contributions, death after retirement, as provided for by KRS 61.630;
- (15) *Recontribution and delayed contribution payments, purchase of service credit, interest, and installment payments, as provided for by Section 43 of this Act;***
- ~~(16)(17)~~ Optional retirement plans, as provided for by KRS 61.635;
- ~~(17)(18)~~ Suspension of retirement payments on reemployment, reinstatement, as provided for by KRS 61.637;
- ~~(18)(19)~~ Death before retirement, beneficiary's options, as provided for by KRS 61.640;
- ~~(19)(20)~~ Board of trustees, conflict of interest, as provided for by KRS 61.655;
- ~~(20)(21)~~ Custodian of funds, payments made, when, as provided for by KRS 61.660;
- ~~(21)(22)~~ Medical examiners and hearing procedures, as provided for by KRS 61.665;
- ~~(23)~~ Actuarial bases, as provided for by KRS 61.670;
- ~~(24)~~ Employer's administrative duties, as provided for by KRS 61.675;
- ~~(22)(25)~~ Correction of errors in records, as provided for by KRS 61.685;
- ~~(23)(26)~~ Exemptions of retirement allowances, and qualified domestic relations orders, as provided for by KRS 61.690;
- ~~(24)(27)~~ Credit for service prior to membership date, as provided for by KRS 61.526;
- ~~(28)~~ Creditable compensation of fee officers, as provided for by KRS 61.541;
- ~~(25)(29)~~ Members' account, confidential, as provided for by KRS 61.661;
- ~~(26)(30)~~ Retirement plan for employees determined to be in a hazardous position, as provided for by KRS 61.592;
- ~~(27)(31)~~ Maximum disability benefit, as provided for by KRS 61.607;
- ~~(28)(32)~~ Consent of employees to deductions and reciprocal arrangement between systems, as provided for by KRS 61.680;
- ~~(33)~~ Employer contributions, as provided for by KRS 61.565;
- ~~(34)~~ Recontribution and delayed contribution payments, purchase of service credit, interest, and installment payments, as provided for by KRS 61.552;
- ~~(29)(35)~~ Hospital and medical insurance plan, as provided by KRS 61.702;
- ~~(30)(36)~~ Death benefit, as provided by KRS 61.705;
- ~~(31)(37)~~ Reinstated employee, contributions on creditable compensation, as provided for by KRS 61.569;
- ~~(32)(38)~~ Statement to be made under oath, good faith reliance, as provided for in KRS 61.699;
- ~~(33)(39)~~ Disability procedure for members in hazardous positions as provided for in KRS 16.582;
- ~~(34)(40)~~ Direct deposit of recipient's retirement allowance as provided for in KRS 61.623;
- ~~(35)(41)~~ Death or disability from a duty-related injury as provided in KRS 61.621;
- ~~(36)(42)~~ Purchase of service credit effective July 1, 2001, as provided in KRS 61.5525;
- ~~(37)(43)~~ Payment of small accounts upon death of member, retiree, or recipient without formal administration of the estate as provided in KRS 61.703;
- ~~(38)(44)~~ Hybrid cash balance plan ~~and 401(a) money purchase plan~~ provided to new members as provided by KRS ~~61.5956 and~~ 61.597;



- ~~(39)(45)~~ Employer payment of increases in creditable compensation and adjustments to creditable compensation during the last five (5) years of employment as provided by KRS 61.598;
- ~~(40)(46)~~ Calculation of retirement allowance, as provided by KRS 61.599;
- ~~((47) Voluntary and involuntary cessation of participation by a participating agency as provided by KRS 61.522;~~  
~~and~~
- ~~(41)(48)~~ Benefit election for members of the Kentucky Retirement Systems ~~{who began participating prior to July 1, 2019,}~~ as provided by KRS 61.5955.

***Effective April 1, 2021, as it relates to KRS 16.582, 61.545, 61.552, 61.590, 61.598, 61.600, 61.615, 61.655, 61.660, 61.665, 61.691, 61.703, and 61.705, references to "Kentucky Retirement Systems" or "systems administered by Kentucky Retirement Systems" as it relates to benefit eligibility shall include the County Employees Retirement System and references to "Kentucky Retirement Systems" or the "Kentucky Retirement Systems board of trustees" as it relates to administrative decisions, duties, requirements, or conflict of interest provisions shall for purposes of the County Employees Retirement System mean the County Employees Retirement System or County Employees Retirement System board of trustees, as applicable.***

➔Section 41. KRS 95.022 is amended 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 KRS 61.637 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 ***or the County Employees Retirement System;***
  - (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 KRS 61.637(17) 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) **or more** 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 42. 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 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 ***Sections 8 and 28 of this Act***~~[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 ***Sections 8 and 28 of this Act***~~[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, 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, 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 *Sections 8 and 28 of this Act* ~~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 *Sections 8 and 28 of this Act* ~~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 *Sections 8 and 28 of this Act* ~~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 43. KRS 61.552 is amended to read as follows:

- (1) (a) Any employee participating in one (1) of the state-administered retirement systems who has been refunded his accumulated account balance under the provisions of KRS 16.645(21), 61.625, or 78.545(15), thereby losing service credit, may regain the credit by paying to the system from which he received the refund or refunds the amount or amounts refunded with interest at a rate determined by the board of the respective retirement system.
- (b) Service purchased under this subsection shall not be used in determining a retirement allowance until the member has accrued at least six (6) months of service credit in a state-administered retirement system, excluding the service purchased under this subsection. If the member does not accrue at least six (6) months of service credit in a state-administered retirement system, excluding service purchased under this subsection, then the payment plus interest as provided in KRS 61.575 shall be refunded upon retirement, death, or written request following termination of employment. The service requirement

shall be waived if the member dies or becomes disabled as provided for by KRS 16.582, 61.600, or 61.621.

- (c) Service purchased under this subsection on or after January 1, 2014, shall not be used to determine the member's participation date in the system. Members participating in the 401(a) money purchase plan as provided by KRS 61.5956 shall not be eligible to purchase service under this subsection.
- (2) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, and who did not elect membership in the County Employees Retirement System, as provided in KRS 78.540~~((2))~~, may purchase service credit in the County Employees Retirement System for the service he would have received had he elected membership.
- (3) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, and who did not elect membership in the Kentucky Employees Retirement System, as provided in KRS 61.525(2), may purchase service credit in the Kentucky Employees Retirement System for the service he would have received had he elected membership.
- (4) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, may purchase service credit in the Kentucky Employees Retirement System for service between July 1, 1956, and the effective date of participation of his department.
- (5)
  - (a) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, may purchase service credit in the County Employees Retirement System for service between July 1, 1958, and the effective date of participation of his county.
  - (b) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may purchase service credit for the period of his service with an area development district created pursuant to KRS 147A.050 or with a business development corporation created pursuant to KRS 155.001 to 155.230 if that service was not covered by a state-administered retirement system. The employee may obtain credit for employment with a business development corporation only if the Kentucky Retirement Systems receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor.
- (6) The member shall not receive service credit for the same period of time in which the member has service credit in one (1) of the systems administered by Kentucky Retirement Systems or another public defined benefit retirement fund.
- (7) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months' service if age sixty-five (65) or at least sixty (60) months' service if under age sixty-five (65) in the retirement systems administered by the Kentucky Retirement Systems, who formerly worked for a state university in a nonteaching position which would have qualified as a regular full-time position had the university been a participating department, and who did not participate in a defined benefit retirement program at the university, may purchase service credit in any of the systems administered by Kentucky Retirement Systems in which the employee is a member for the service he would have received had his period of university employment been covered by the County Employees Retirement System, Kentucky Employees Retirement System, or State Police Retirement System.
- (8)
  - (a) Effective August 1, 1980, any county participating in the County Employees Retirement System may purchase current service, between July 1, 1958, and participation date of the county, for present employees of the county who have obtained coverage under KRS 78.540~~((2))~~.
  - (b) Effective July 1, 1973, any department participating in the Kentucky Employees Retirement System may purchase current service between July 1, 1956, and participation date of the department, for present

employees of the department who were employees on the participation date of the department and elected coverage under KRS 61.525(2).

- (c) Cost of the service credit purchased under this subsection shall be determined by computing the discounted value of the additional service credit based on an actuarial formula recommended by the board's consulting actuary and approved by the board. A department shall make payment for the service credit within the same fiscal year in which the option is elected. The county shall establish a payment schedule subject to approval by the board for payment of the service credit. The maximum period allowed in a payment schedule shall be ten (10) years with interest at the rate actuarially assumed by the board; however, a shorter period is desirable and the board may approve any schedule provided it is not longer than a ten (10) year period.
  - (d) If a county or department elects the provisions of this subsection, any present employee who would be eligible to receive service credit under the provisions of this subsection and has purchased service credit under subsection (4) or (5) of this section shall have his payment for the service credit refunded with interest at the rate paid under KRS 61.575 or 78.640.
  - (e) Any payments made by a county or department under this subsection shall be deposited to the retirement allowance account of the proper retirement system and these funds shall not be considered accumulated contributions of the individual members.
- (9) Interest paid by a member of the Kentucky Employees Retirement System, County Employees Retirement System, or State Police Retirement System under this section or other similar statutes under KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 prior to June 19, 1976, shall be credited to the individual member's account in the appropriate retirement system and considered as accumulated contributions of the member.
  - (10) Employees who served as assistants to officers and employees of the General Assembly who have at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems and who were unable to acquire service under KRS 61.510(20) may purchase credit for the service performed after January 1, 1960.
  - (11)
    - (a) Effective August 1, 1988, any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may purchase service credit for interim, seasonal, emergency, temporary, probationary, or part-time employment averaging one hundred (100) or more hours of work per month on a calendar or fiscal year basis. If the average number of hours of work is less than one hundred (100) per month, the member shall be allowed credit only for those months he receives creditable compensation for one hundred (100) or more hours of work.
    - (b) Any noncertified employee of a school board who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may purchase service credit in the County Employees Retirement System for part-time employment prior to the 1990-91 school year which averaged eighty (80) or more hours of work per month on a calendar or fiscal year basis. If the average number of hours of work is less than eighty (80) per month, the noncertified employee of a school board shall be allowed to purchase service credit only for those months he received creditable compensation for eighty (80) or more hours of work.
  - (12) Any employee participating in one (1) of the systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may purchase service credit for any period of approved educational leave, or for agency-approved leave to work for a work-related labor organization if the agency subsequently participated in the County Employees Retirement System. The employee may also purchase service credit for agency-approved leave to work for a work-related labor organization if the agency subsequently participated in the County Employees Retirement System, but only if the Kentucky Retirement Systems receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor.
  - (13) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems may

purchase service credit for any period of authorized maternity leave, unpaid leave authorized under the Federal Family and Medical Leave Act, or for any period of authorized sick leave without pay.

- (14) (a) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems may 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, or as otherwise required by 38 U.S.C. ch. 43, by:
1. Making a lump-sum payment on a before-tax basis as provided in subparagraph 3. of this paragraph, or on an after-tax basis if the employee is purchasing service credit under subsection (1) or (20) of this section, service available pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this section, or grandfathered service as defined in paragraph (b) of this subsection;
  2. Entering into an agreement to purchase service credit through an installment purchase of service agreement with the systems as provided by paragraph (c) of this subsection:
    - a. On a before-tax basis in which the service is purchased pursuant to the employer pick-up provisions in 26 U.S.C. sec. 414(h)(2); or
    - b. On an after-tax basis if the employee is purchasing service credit under subsection (1) or (20) of this section, service available pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this section, or grandfathered service as defined in paragraph (b) of this subsection; or
  3. Transferring funds to the systems through a direct trustee-to-trustee transfer as permitted under the applicable sections of the Internal Revenue Code and any regulations or rulings issued thereunder, through a direct rollover as contemplated by and permitted under 26 U.S.C. sec. 401(a)(31) and any regulations or rulings issued thereunder, or through a rollover of funds pursuant to and permitted under the rules specified in 26 U.S.C. secs. 402(c) and 408(d)(3). The Kentucky Retirement Systems shall accept the transfer or rollover to the extent permitted under the rules specified in the applicable provisions of the Internal Revenue Code and any regulations and rulings issued thereunder.
- (b) For purposes of this subsection, "grandfathered service" means service purchases for which a member, whose membership date in the system is prior to July 1, 1999, is eligible to purchase under KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, that were available for all members of the system to purchase on August 5, 1997.
- (c) 1. For service purchased under a before-tax or after-tax installment purchase of service agreement as provided by paragraph (a)2. of this subsection, the cost of the service shall be computed in the same manner as for a lump-sum payment which shall be the principal, except that interest compounded annually at the actuarial rate in effect at the time the member elects to make the purchase shall be added for the period that the installments are to be made.
2. Multiple service purchases may be combined under a single installment agreement, except that no employee may make more than one (1) installment purchase at the same time.
3. For after-tax installment purchase of service agreements, the employee may elect to stop the installment payments by notifying the retirement system; may have the installment purchase recalculated to add one (1) or more additional service purchases; or may pay by lump sum the remaining principal or a portion of the remaining principal.
4. Before-tax installment purchase of service agreements shall be irrevocable, and the employee shall not be able to stop installment payments or to pay off the remaining balance of the purchase of service agreement, except upon termination of employment or death.
5. One (1) year of installment payments shall be made for each one thousand dollars (\$1,000) or any part thereof of the total cost, except that the total period allowed for installments shall not be less than one (1) year and shall not exceed five (5) years.
6. The employee shall pay the installments by payroll deduction for after-tax purchase of service agreements, and the employer shall pick up installments for before-tax purchase of service agreements. Upon notification by the retirement system, the employer shall report the installment payments either monthly or semimonthly continuously over each twelve (12) month period at the same time as, but separate from, regular employee contributions on the forms or by the computer format specified by the board.

7. The retirement system shall determine how much of the total cost represents payment for one (1) month of the service to be purchased and shall credit one (1) month of service to the member's account each time this amount has been paid. The first service credited shall represent the first calendar month of the service to be purchased and each succeeding month of service credit shall represent the succeeding months of that service.
8. If the employee utilizing an installment purchase of service agreement dies, retires, does not continue employment in a position required to participate in the retirement system, or elects to stop an after-tax installment purchase of service agreement, the member, or in the case of death, the beneficiary, shall have sixty (60) days to pay the remaining principal or a portion of the remaining principal of the installment purchase of service agreement by lump sum, subject to the restrictions of paragraph (a)1. of this subsection, or by transfer of funds under paragraph (a)3. of this subsection, except that payment by the member shall be filed with the system prior to the member's effective retirement date. If the member or beneficiary does not pay the remaining cost, the retirement system shall refund to the member or the beneficiary the payment, payments, or portion of a payment that does not represent a full month of service purchased, except as provided by subsection (22) of this section.
9. If the employer does not report installment payments on an employee for sixty (60) days for an after-tax installment purchase of service agreement, except in the case of employees on military leave or sick leave without pay, the installment purchase shall cease and the retirement system shall refund to the employee the payment, payments, or portion of a payment that does not represent a full month of service purchased.
10. Installment payments of employees on military leave or sick leave without pay shall be suspended during the period of leave and shall resume without recalculation upon the employee's return from leave.
11. If payments have ceased under subparagraph 8. or 9. of this paragraph and the member later becomes a participating employee in one (1) of the three (3) systems administered by Kentucky Retirement Systems, the employee may complete the adjusted original installment purchase by lump sum or installment payments, subject to the restrictions of this subsection. If the employee elects to renew the installment purchase, the cost of the remaining service shall be recalculated in accordance with paragraph (a) of this subsection.
- (d) Except as provided by paragraph (a)2.a. of this subsection, the cost of purchasing service shall not be picked up, as described in KRS 16.545(4), 61.560(4), or 78.610(4), by the employer.
- (e) The cost of purchasing service credit under any provision of this section, except as provided by subsections (1) and (20) of this section, shall be determined by the delayed contribution method as provided by KRS 61.5525.
- (f) Member payments, including interest, properly received pursuant to this subsection shall be deposited to the member's account and considered as accumulated contributions of the individual member.
- (15) After August 1, 1998, any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who is age sixty-five (65) or older and has forty-eight (48) months of service credit or, if younger, who has sixty (60) months of service credit in systems administered by Kentucky Retirement Systems may purchase service credit in the system in which the employee has the service credit for up to ten (10) years service in a regular full-time position that was credited to a state or local government-administered public defined benefit plan in another state other than a defined benefit plan for teachers. The employee shall provide proof that he is not eligible for a retirement benefit for the period of service from the other state's plan.
- (16) After August 1, 1998, any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has sixty (60) or more months of service in the State Police Retirement System or in a hazardous position in the Kentucky Employees Retirement System or the County Employees Retirement System, may purchase service credit in the system in which the employee has the sixty (60) months of service credit for up to ten (10) years of service in a regular full-time position that was credited to a defined benefit retirement plan administered by a state or local government in another state, if the service could be certified as hazardous pursuant to KRS 61.592. The employee shall provide proof that he is not eligible for a retirement benefit for the period of service from the other unit of government's plan.



- (17) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems and who has completed service as a volunteer in the Kentucky Peace Corps, created by KRS 154.1-720, may purchase service credit for the time served in the corps.
- (18) An employee participating in any retirement system administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65), or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by Kentucky Retirement Systems, and who was formerly employed in a regional community services program for mental health and individuals with an intellectual disability, organized and operated under the provisions of KRS 210.370 to 210.480, which does not participate in a state-administered retirement system may purchase service credit for the period of his service in the regional community program for mental health and individuals with an intellectual disability.
- (19) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, who was employed by a vocational technical school in a noncertified part-time position averaging eighty (80) or more hours per month, determined by using the number of months actually worked within a calendar or fiscal year, may purchase service credit in the Kentucky Employees Retirement System.
- (20)
  - (a) Any person who is entitled to service credit for employment which was not reported in accordance with KRS 16.543, 61.543, or 78.615 may obtain credit for the service by paying the employee contributions due within six (6) months of notification by the system. No interest shall be added to the contributions. The service credit shall not be credited to the member's account until the employer contributions are received. If a retired member makes the payment within six (6) months, the retired member's retirement allowance shall be adjusted to reflect the added service after the employer contributions and any interest or penalties on the delinquent employer contributions are received by the retirement system.
  - (b) Any employee participating in one (1) of the state-administered retirement systems who is entitled to service credit under paragraph (a) of this subsection and who has not repaid the employee contributions due within six (6) months of notification by the system may regain the credit after the six (6) months by paying to the system the employee contributions plus interest at the actuarially assumed rate from the date of initial notification under paragraph (a) of this subsection. Service credit shall not be credited to the member's account until the employer contributions and any interest or penalties on the delinquent employer contributions are received by the retirement system.
  - (c) Service purchased under this subsection by employees who begin participating on or after September 1, 2008, shall be considered service credited under KRS 16.543(1), 61.543(1), or 78.615(1) for purposes of determining eligibility for retirement benefits under KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852.
  - (d) Employees who begin participating on or after January 1, 2014, in the hybrid cash balance plan provided by KRS 16.583 and 61.597 shall, upon payment of the employee and employer contributions due under this subsection, have their accumulated account balance increased by the employee contributions, employer pay credits, and interest credits that would have been credited to their member's account if the contributions had been paid on time.
  - (e) An employee participating in the 401(a) money purchase plan as provided by KRS 61.5956 shall, upon payment of the employee and employer contributions due under this subsection, have his or her accumulated account balance increased by the employee contributions and employer contributions that would have been credited to his or her member account if the contributions had been paid on time.
  - (f) Employer contributions payable under this subsection shall be considered delinquent and the employer shall be required to pay interest and any other penalties on the delinquent contributions in accordance with KRS 61.675(3)(b) and 78.625(3)~~(2)~~(a) from the date the employee should have been reported and received service credit in accordance with KRS 16.543, 61.543, and 78.615.
- (21) Any employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems may purchase service credit for employment with a public agency that would have been eligible to participate under KRS 61.520 but which did not participate in the Kentucky Employees Retirement System or a political

subdivision that would have been eligible to participate under KRS 78.530 but which did not participate in the County Employees Retirement System if the former public agency or political subdivision has merged with or been taken over by a participating department or county.

- (22) Any employee participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems prior to July 15, 2002, who has accrued at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems and who has total service in all state-administered retirement systems of at least one hundred eighty (180) months of service credit may purchase a combined maximum total of five (5) years of retirement service credit which is not otherwise purchasable under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. The purchase shall be made in any of the systems administered by Kentucky Retirement Systems in which the employee is a member. The service purchased under this subsection shall not be used in determining a retirement allowance until the member has accrued at least two hundred forty (240) months of service, excluding service purchased under this subsection. If the member does not accrue at least two hundred forty (240) months of service, excluding service purchased under this subsection, upon retirement, death, or written request following termination, the payment, plus interest as provided in KRS 61.575, shall be refunded.
- (23) An employee participating in one (1) of the retirement systems administered by Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65), or at least sixty (60) months of service if under age sixty-five (65), in the systems administered by Kentucky Retirement Systems, may obtain credit in the County Employees Retirement System for the period of that employee's service with a community action agency created under KRS 273.405 to 273.453 if that service was not covered by a state-administered retirement system.
- (24) An employee may obtain credit for regular full-time service with an agency prior to August 1, 1998, for which the employee did not receive credit due to KRS 61.637(1). Service credit obtained under this subsection shall not be used in determining benefits under KRS 61.702. The employee may purchase credit for service prior to August 1, 1998, if:
  - (a) The employee retired from one (1) of the retirement systems administered by the Kentucky Retirement Systems and was reemployed prior to August 1, 1998, earning less than the maximum permissible earnings under the Federal Social Security Act;
  - (b) The employee elected to participate in a second retirement account effective August 1, 1998, in accordance with KRS 61.637(7); and
  - (c) The employee has at least forty-eight (48) months of service if age sixty-five (65), or at least sixty (60) months of service if under age sixty-five (65), in a second account in the systems administered by Kentucky Retirement Systems.
- (25) An employee participating in one (1) of the retirement systems administered by the Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, may obtain credit for the service in a regular full-time position otherwise creditable under the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System for service in the United States government, other than service in the Armed Forces, for which service is not otherwise given.
- (26) An employee participating in a hazardous position in one (1) of the retirement systems administered by the Kentucky Retirement Systems, who has at least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five (65) in the systems administered by the Kentucky Retirement Systems, may obtain credit for service in a regular full-time position in an urban-county government that would qualify for hazardous duty coverage under KRS 61.592.
- (27) Subsections (2) to (5), (7) to (13), (15) to (19), and (21) to (26) of this section shall not apply to members who begin participating in the systems administered by Kentucky Retirement Systems on or after January 1, 2014, or to members who make an election as provided by KRS 21.374, 61.5955, or 61.5956.
- (28) Service purchases made pursuant to subsections (2) to (5), (7), (10) to (13), (15) to (19), (21) to (23), (25), and (26) of this section shall be purchased by the entire amount of service available pursuant to that subsection or by increments. Service purchases made pursuant to subsections (1), (20), and (24) of this section shall be purchased by the entire amount of service available.

➔Section 44. The following KRS sections are repealed:

78.533 Employees of Metropolitan Park and Recreation Board of Jefferson County, credit for former service.

78.534 Participation of qualified circuit clerks and deputy clerks -- Transfer of service credit.

78.532 Employees formerly employed by private employer -- Credit for former service.

78.542 Required participation by retired hazardous members in an elected city or county office on June 21, 2001 -- Election not to participate -- Purchase of service credit.

78.780 Administration of systems by board of trustees of state system.

➔Section 45. All administrative decisions made by the Kentucky Retirement Systems board of trustees prior to April 1, 2021, on behalf of the County Employees Retirement System, including but not limited to approval for hazardous positions, administrative decisions, and disability determinations, shall be implemented on April 1, 2021, and shall not be reversed except under the authority granted by KRS 78.510 to 78.852 to the County Employees Retirement System board of trustees or the Kentucky Public Pensions Authority as granted by Section 2 of this Act, as applicable, except that the retiree health plans established for the plan year beginning January 1, 2021, through December 31, 2021, by the Kentucky Retirement Systems board of trustees for recipients of the County Employees Retirement System shall not be altered by the County Employees Retirement System board of trustees for that specific plan year. All administrative regulations promulgated by the Kentucky Retirement Systems board of trustees prior to April 1, 2021, on behalf of the County Employees Retirement System shall continue to apply to the County Employees Retirement System on or after April 1, 2021, and shall not be reversed except under the authority granted by KRS 78.510 to 78.852 to the County Employees Retirement System board of trustees.

➔Section 46. The three trustees elected by the County Employees Retirement System membership to serve a term on the Kentucky Retirement Systems board of trustees that includes April 1, 2021, shall serve as the three elected trustees of the County Employees Retirement System board of trustees as provided by Section 3 of this Act and shall serve for the duration of the terms for which they were elected. The two trustees elected by the Kentucky Employees Retirement System membership and the one trustee elected by the State Police Retirement System membership who are serving as trustees of the Kentucky Retirement Systems board of trustees immediately prior to the effective date of this Act shall serve as the three elected trustees of the Kentucky Retirement Systems board of trustees as provided by Section 4 of this Act and shall serve for the duration of the terms for which they were elected. The three trustees who were appointed by a Governor to the Kentucky Retirement Systems board prior to April 1, 2021, who were selected by a Governor from lists submitted by the Kentucky Association of Counties, the Kentucky League of Cities, and the Kentucky School Boards Association and serving on the Kentucky Retirement Systems board immediately prior to April 1, 2021, shall, notwithstanding any other provision of Section 3 of this Act to the contrary, serve on the County Employees Retirement System board of trustees as provided by Section 3 of this Act for the duration of their term of office and shall be considered the three trustees appointed by the Governor who have retirement experience as provided by subsection (1)(b) and (1)(d) of Section 3 of this Act. Notwithstanding any other provision of Section 4 of this Act to the contrary, the six trustees with investment experience appointed by a Governor to the Kentucky Retirement Systems board prior to April 1, 2021, and serving on the Kentucky Retirement Systems board immediately prior to April 1, 2021, shall serve for the duration of their term of office as the appointed trustees with investment experience and retirement experience of the newly constituted Kentucky Retirement Systems board of trustees effective April 1, 2021.

➔Section 47. The Governor shall on or before March 1, 2021, appoint the three appointed trustees of the County Employees Retirement System board who must have investment experience as provided by subsection (1)(b) and (1)(d) of Section 3 of this Act so that the new trustees can assume their term of office on April 1, 2021. Notwithstanding the provisions of Section 3 of this Act as it relates solely to terms of office, the three trustees appointed by the Governor pursuant to Section 3 of this Act who must have investment experience shall be appointed to staggered terms, with one appointed trustee serving an initial term of two years, one appointed trustee serving an initial term of three years, and one appointed trustee serving an initial term of four years. The Kentucky League of Cities, the Kentucky Association of Counties, and the Kentucky School Boards Association shall submit a list of applicants with investment experience on or before January 1, 2021, to be appointed by the Governor pursuant to Section 3 of this Act.

➔Section 48. Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12:

- (1) The Governor shall have no authority to change any provision of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852 as it relates to reorganizing, replacing, amending, or abolishing the membership of the County Employees Retirement System board of trustees as provided by Section 3 of this Act, the Kentucky

Retirement Systems board of trustees as provided by KRS 61.645, or the Kentucky Public Pensions Authority as provided by Section 2 of this Act; and

- (2) Effective April 1, 2021, the board of trustees of the Kentucky Retirement Systems and the County Employees Retirement System shall include the number and composition of the boards established by Sections 3, and 4, 46, and 47 of this Act, as applicable respectively.

➔Section 49. No provisions of this Act shall increase or decrease benefits being paid to retirees, beneficiaries, or recipients of the Kentucky Retirement Systems or the County Employees Retirement System nor shall any provisions of this Act increase or decrease benefits that have accrued to members of the Kentucky Retirement Systems or the County Employees Retirement System on the effective date of this Act.

➔Section 50. The provisions of this Act shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend any provision of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, that the General Assembly had the authority to amend, reduce, or suspend, prior to the effective date of any provision of this Act.

➔Section 51. The provisions of Section 5. of 2019 Ky. Acts Chapter 182 shall apply to the County Employees Retirement System board.

➔Section 52. Sections 1 to 46 of this Act take effect April 1, 2021.

➔Section 53. Whereas ensuring the continuity of administration of the state-administered retirement systems is imperative, an emergency is declared to exist, and Section 48 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

**Signed by Governor April 7, 2020.**

## **CHAPTER 80**

### **( HB 415 )**

AN ACT relating to alcoholic beverages 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 243 IS CREATED TO READ AS FOLLOWS:

- (1) *Sections 1 to 3 of this Act shall supersede any conflicting statute in KRS Chapters 241 to 244.*
- (2) *A direct shipper license shall authorize the holder to ship alcoholic beverages to consumers. The department shall issue a direct shipper license to a successful applicant that:*
  - (a) *Is a manufacturer located in this state or any other state or an alcoholic beverage supplier licensed under KRS 243.212 or 243.215. A manufacturer applicant shall:*
    1. *Hold a current license, permit, or other authorization to manufacture alcoholic beverages in the state where the manufacturer is located; and*
    2. *Only ship alcoholic beverages that are sold under a brand name owned or exclusively licensed to the manufacturer and the alcoholic beverages were:*
      - a. *Produced by the manufacturer;*
      - b. *Produced for or by the manufacturer under an existing written contract with another manufacturer; or*
      - c. *Produced and bottled for the manufacturer;*
  - (b) *Pays an annual license fee of one hundred dollars (\$100); and*
  - (c) *If a manufacturer applicant is located outside this state, proves that it has completed the same registration necessary for a manufacturer located in this state with respect to payment of any applicable excise tax, state or local sales or use tax, or other tax owed under the law of this state in connection with the direct shipment of alcoholic beverages to consumers in this state.*

- (3) *The department shall set the requirements and the form for a direct shipper license application through the promulgation of an administrative regulation. These requirements shall include:*
- (a) *The address and a description of the premises from which the manufacturer or supplier will ship alcoholic beverages to consumers;*
  - (b) *If the applicant is located outside this state, a copy of the applicant's current license, permit, or other authorization to manufacture or supply alcoholic beverages in the state where the applicant is located; and*
  - (c) *Any other information the department determines to be necessary to implement and administer the direct shipper licensing program.*
- (4) *In considering an application from an out-of-state applicant, the department shall use the same standards relating to causes for license denial, suspension, or revocation under KRS 243.100 and 243.500 as those it uses for similarly situated in-state applications.*
- (5) *A direct shipper licensee shall:*
- (a) *Appoint and continuously maintain an agent for service of process that need not be a resident of this state, and agree that the Secretary of State shall serve as its agent if it fails to maintain a current agent for service of process. The licensee shall agree that legal service on the agent constitutes legal service on the direct shipper licensee;*
  - (b) *Maintain the records required under Sections 1 to 3 of this Act and provide the department and the Department of Revenue access to or copies of these records;*
  - (c) *Allow the department or the Department of Revenue to perform an audit of the direct shipper licensee's records or an inspection of the direct shipper licensee's licensed premises upon request. If an audit or inspection reveals a violation, the department or the Department of Revenue may recover reasonable expenses from the licensee for the cost of the audit or inspection;*
  - (d) *File all reports and pay all taxes required under Sections 1 to 3 of this Act;*
  - (e) *Submit to the jurisdiction of the department and the Department of Revenue, the courts, and all other enforcement authority of this state, including any related laws or administrative regulations, with respect to enforcement against the applicant;*
  - (f) *Hold the license contingent on obeying all laws and administrative regulations of both the origin state and the destination state, including those relating to the times, days, or other circumstances when alcoholic beverages may be sold or shipped;*
  - (g) *Be subject to potential fines, penalties, license suspension, or license revocation for a violation of the duties or obligations to hold a direct shipper license;*
  - (h) *Meet any reciprocal license requirements, if applicable; and*
  - (i) *Comply with all applicable federal and state labeling, licensing, and brand registration requirements.*
- (6) (a) *The department shall promulgate administrative regulations designed to reduce unlicensed deliveries and shipments of alcoholic beverages in the Commonwealth. Each direct shipper licensee shall submit to the department and the Department of Revenue a quarterly report for that direct shipper license showing:*
- 1. *The total amount of alcoholic beverages shipped into the state per consumer;*
  - 2. *The name and address of each consumer;*
  - 3. *The purchase price of the alcoholic beverages shipped and the amount of taxes charged to the consumer for the alcoholic beverages shipped; and*
  - 4. *The name and address of each common carrier.*
- (b) *The Department of Revenue shall create a form through the promulgation of an administrative regulation for reporting under paragraph (a) of this subsection.*
  - (c) *The department shall provide a list of all active direct shipper licensees to licensed common carriers on a quarterly basis to reduce the number of unlicensed shipments in the Commonwealth.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

- (1) *A direct shipper licensee may sell or ship to a consumer all types of alcoholic beverages that the licensee is authorized to sell, with the following aggregate limits:*
  - (a) *Distilled spirits, in quantities not to exceed ten (10) liters per consumer per month;*
  - (b) *Wine, in quantities not to exceed ten (10) cases per consumer per month; and*
  - (c) *Malt beverages, in quantities not to exceed ten (10) cases per consumer per month.*
- (2) *The direct shipper licensee shall notify the consumer placing the order that the shipment shall not be left unless the recipient of the shipment provides a valid identification document at the time verifying that the recipient is at least twenty-one (21) years of age. All alcoholic beverage containers shipped to the consumer shall be conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".*
- (3) *At the time of delivery, the recipient of the shipment shall present to the individual delivering the package a valid identification document. Prior to transferring possession of the package, the individual delivering the package shall visually inspect the document and verify the identity of the recipient and, by visual examination or by using age verification technology, that the recipient is at least twenty-one (21) years of age.*
- (4) *Before transferring possession of the package, the individual delivering the package shall obtain the signature of the recipient of the shipment. The individual who receives and signs for the alcoholic beverages is not required to be the consumer who purchased the alcoholic beverages.*
- (5) *A consumer who intentionally causes shipment to an address deemed unlawful shall, for the first offense, be guilty of a violation punishable by a fine of two hundred fifty dollars (\$250), and for each subsequent offense, be guilty of a violation punishable by a fine of five hundred dollars (\$500). In this instance, the direct shipper licensee and the common carrier shall be held harmless.*
- (6) *A direct shipper licensee may not sell or ship alcoholic beverages to a consumer from its licensed premises if the consumer's address is located in an area in which alcoholic beverages may not be sold or received.*
- (7) *A direct shipper licensee shall only conduct the shipment of alcoholic beverages to a consumer through a common carrier.*
- (8) *A direct shipper licensee may ship alcoholic beverages to a consumer only from the licensed premises described in its direct shipper license application.*
- (9) *If a common carrier is unable to complete delivery, then the alcoholic beverages shall be returned to the consignor.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section, "taxes" associated with the purchase of alcoholic beverages includes any applicable:*
  - (a) *Sales tax;*
  - (b) *Use tax;*
  - (c) *Excise tax;*
  - (d) *Wholesale tax equivalent at the rate set out in KRS 243.884. If a wholesale price is not readily available, the direct shipper licensee shall calculate the wholesale cost to be seventy percent (70%) of the retail price of the alcoholic beverages;*
  - (e) *Regulatory license fees; and*
  - (f) *Other assessments.*
- (2) *For purposes of this section and for other tax purposes, each sale and delivery of alcoholic beverages under a direct shipper license is a sale occurring at the address of the consumer. For each tax remittance or collected group of tax remittances, the direct shipper licensee shall include its federal tax identification number.*
- (3) *A direct shipper licensee that sells alcoholic beverages under its direct shipper license for shipment to a consumer shall charge the consumer all applicable taxes and shall sell the alcoholic beverages with all*

*applicable taxes included in the selling price. The applicable taxes shall be separately identified on the consumer's invoice. The taxes shall be collected by the direct shipper licensee from the consumer.*

- (4) *The amount of the taxes to be paid by the direct shipper licensee under this section shall be calculated based on the sale of the alcoholic beverages occurring at the location identified as the consumer's address on the shipping label.*
- (5) *For taxes owed by a direct shipper licensee under this section, the direct shipper licensee shall meet the standards of the destination state, including filing a return that contains its license number and federal tax identification number.*

➔Section 4. KRS 241.010 is amended to read as follows:

As used in KRS Chapters 241 to 244, 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, 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) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (8) "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) "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) "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) "Caterer" means a person operating a food service business that prepares food in a licensed and inspected commissary, transports the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to an agreed location, and serves the food and alcoholic beverages pursuant to an agreement with another person;
- (12) "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) "Cider" means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider;
- (14) "City administrator" means city alcoholic beverage control administrator;
- (15) "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) "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;
- (18) ***"Consumer" means a person who purchases alcoholic beverages and who:***
- (a) Does not hold a license or permit issued by the department;***
  - (b) Purchases the alcoholic beverages for personal consumption only and not for resale;***
  - (c) Is of lawful drinking age;***
  - (d) Receives the alcoholic beverages at a location other than a licensed premises; and***
  - (e) Receives the alcoholic beverages in territory where the alcoholic beverages may be lawfully sold or received;***
- (19) "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;
- ~~(20)~~~~(19)~~ "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;
- ~~(21)~~~~(20)~~ "County administrator" means county alcoholic beverage control administrator;



- (22)~~(21)~~ "Department" means the Department of Alcoholic Beverage Control;
- (23)~~(22)~~ "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;
- (24)~~(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;
- (25)~~(24)~~ "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;
- (26)~~(25)~~ "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;
- (27)~~(26)~~ "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;
- (28)~~(27)~~ "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;
- (29)~~(28)~~ "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;
- (30)~~(29)~~ "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;
- (31)~~(30)~~ "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;
- (32)~~(31)~~ "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- (33)~~(32)~~ "Investigator" 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 licensees, 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;
- (34)~~(33)~~ "License" means any license issued pursuant to KRS Chapters 241 to 244;
- (35)~~(34)~~ "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- (36)~~(35)~~ "Limited restaurant" means:
- (a) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage 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; or
  - (b) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons of dining, and which is located in a wet or moist territory under KRS 242.1244;

- (37)~~((36))~~ "Local administrator" means a city alcoholic beverage administrator, county alcoholic beverage administrator, or urban-county alcoholic beverage control administrator;
- (38)~~((37))~~ "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;
- (39)~~((38))~~ "Manufacture" means distill, rectify, brew, bottle, and operate a winery;
- (40)~~((39))~~ "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- (41)~~((40))~~ "Minor" means any person who is not twenty-one (21) years of age or older;
- (42)~~((41))~~ "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, 242.1243, 242.1244, or 242.1292;
- (43)~~((42))~~ "Population" means the population figures established by the federal decennial census for a census year or the current yearly population estimates prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, for all other years;
- (44)~~((43))~~ "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;
- (45)~~((44))~~ "Primary source of supply" or "supplier" means the distiller, winery, brewer, producer, owner of the commodity at the time it becomes a marketable product, bottler, or authorized agent of the brand owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler, or agent of the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler, or owner;
- (46)~~((45))~~ "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;
- (47)~~((46))~~ "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;
- (48)~~((47))~~ "Qualified historic site" means:
- (a) 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;
  - (b) 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;
  - (c) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; or
  - (d) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;
- (49)~~((48))~~ "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;
- (50)~~((49))~~ "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;
- (51)~~((50))~~ "Restaurant" means a facility where the usual and customary business is the preparation and serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and alcoholic beverage receipts from the sale of food at the premises;

- (52)~~((51))~~ "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 *or shipment* to the consumer or not;
- (53)~~((52))~~ "Retail sale" means any sale *of alcoholic beverages to a consumer, including those transactions taking place in person, electronically, online, by mail, or by telephone*~~[where delivery is made in Kentucky to any consumers]~~;
- (54)~~((53))~~ "Retailer" means any licensee who sells and delivers any alcoholic beverage to consumers, except for *manufacturers*~~[producers]~~ with limited retail sale privileges *and direct shipper licensees*;
- (55)~~((54))~~ "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;
- (56)~~((55))~~ "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;
- (57)~~((56))~~ "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;
- (58)~~((57))~~ "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;
- (59)~~((58))~~ "Small farm winery" means a winery whose wine production is not less than two hundred fifty (250) gallons and not greater than one hundred thousand (100,000) gallons in a calendar year;
- (60)~~((59))~~ "Souvenir package" means a special package of distilled spirits available from a licensed retailer that is:
- (a) Available for retail sale at a licensed Kentucky distillery where the distilled spirits were 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;
- (61)~~((60))~~ "State administrator" or "administrator" means the distilled spirits administrator or the malt beverages administrator, or both, as the context requires;
- (62)~~((61))~~ "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;
- (63)~~((62))~~ "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;
- (64)~~((63))~~ "Territory" means a county, city, district, or precinct;
- (65)~~((64))~~ "Urban-county administrator" means an urban-county alcoholic beverage control administrator;
- (66) *"Valid identification document" means an unexpired, government-issued form of identification that contains the photograph and date of birth of the individual to whom it is issued;*
- (67)~~((65))~~ "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;
- (68)~~((66))~~ "Vintage distilled spirit" means a package or packages of distilled spirits that:
- (a) Are in their original manufacturer's unopened container;
  - (b) Are not owned by a distillery; and
  - (c) Are not otherwise available for purchase from a licensed wholesaler within the Commonwealth;
- (69)~~((67))~~ "Warehouse" means any place in which alcoholic beverages are housed or stored;
- (70)~~((68))~~ "Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;

- ~~(71)~~~~(69)~~ "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 or 242.125 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?"
- ~~(72)~~~~(70)~~ "Wholesale sale" means a sale to any person for the purpose of resale;
- ~~(73)~~~~(71)~~ "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;
- ~~(74)~~~~(72)~~ "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
- ~~(75)~~~~(73)~~ "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 5. KRS 243.030 is amended to read as follows:

The following licenses that authorize traffic in distilled spirits and wine may be issued by the distilled spirits administrator. Licenses that authorize traffic in all alcoholic beverages may be issued by both the distilled spirits administrator and malt beverages administrator. The licenses and their accompanying fees are as follows:

- (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 .....\$100.00
- (13) Special Sunday retail drink license, per annum ..... \$520.00
- (14) Caterer's license, per annum ..... \$830.00
- (15) Special temporary alcoholic beverage auction license, per event .....\$100.00
- (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 center license:
  - (a) When the licensee is a city, county, urban-county government, consolidated local government, charter county government, or unified local government, per annum ...\$2,577.00
  - (b) All other licensees, 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, 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) Authorized public consumption license, per annum .....\$250.00
- (33) *Direct shipper license, per annum.....\$100.00***
- ~~(34)(33)~~ 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 6. 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 KRS 241.010~~(36)(35)~~ 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 alcoholic beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors. The license shall not authorize the licensee to sell alcoholic 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 limited restaurant as defined by KRS 241.010~~(36)(a)(35)(a)~~ shall:
  - (a) Only sell alcoholic beverages incidental to the sale of a meal; and

- (b) Not have an open bar and shall not sell alcoholic beverages to any person who has not purchased or does not purchase a meal.

➔Section 7. KRS 243.0341 is amended 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 or any city with limited sale precincts created pursuant to KRS 242.1292 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 KRS 241.010(36)(a)~~((35)(a))~~; and
  - (b) The provisions of KRS 243.034 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 KRS 241.010(36)~~((35))~~.
- (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 KRS 241.010(36)(b)~~((35)(b))~~; or
  - (b) Affect, alter, or otherwise impair any license previously issued to a restaurant or dining facility meeting the requirements of KRS 241.010(36)(b)~~((35)(b))~~.

➔Section 8. KRS 243.040 is amended to read as follows:

The following kinds of malt beverage licenses may be issued by the malt beverages administrator, the fees for which shall be:

- (1) Brewer's license, per annum .....\$2,580.00
- (2) Microbrewery license, per annum .....\$520.00
- (3) Distributor's license, per annum .....\$520.00
- (4) Nonquota retail malt beverage package license, per annum .....\$210.00
- (5) Out-of-state malt beverage supplier's license,  
per annum .....\$1,550.00
- (6) Malt beverage storage license, per annum .....\$260.00
- (7) Replacement or duplicate license, per annum .....\$25.00
- (8) Limited out-of-state malt beverage supplier's license,  
per annum .....\$260.00
- (9) Nonquota type 4 malt beverage drink license,  
per annum .....\$210.00
- (10) **Direct shipper license, per annum.....\$100.00**

- ~~(11)~~~~(10)~~ 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).
- ~~(12)~~~~(11)~~ A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new transitional license pursuant to KRS 243.045.
- ~~(13)~~~~(12)~~ Other special licenses as the state board finds to be necessary for the administration of KRS Chapters 241 to 244 and for the proper regulation and control of the trafficking in malt beverages, as provided for by administrative regulations promulgated by the state board.

Applicants for special licenses provided for under the authority granted in subsection (8) of this section may be exempt from so much of the provisions of subsection (1)(f) of KRS 243.100 set out in administrative regulations promulgated by the board. A nonrefundable application fee of fifty dollars (\$50) shall be charged to process each new application for a license under this section. The application fee shall be applied to the licensing fee if the license is issued, or otherwise the fee shall be retained by the department.

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

- (1) (a) A city with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census, or a county that does not contain a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census, that is wet through a local option election held under KRS Chapter 242 is authorized to impose a regulatory license fee not to exceed five percent (5%) upon the gross receipts of the sale of alcoholic beverages of each establishment located in the city or county licensed to sell alcoholic beverages.
- (b) The regulatory license fee may be levied at the beginning of each budget period at a percentage rate that is reasonably estimated to fully reimburse the local government for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city and county.
- (c) The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, except:
  1. A credit against a regulatory license fee shall be allowed in an amount equal to any licenses or fees imposed by the city or county pursuant to KRS 243.060 or 243.070; and
  2. In a county in which the city and county both levy a regulatory license fee, the county license fee shall only be applicable outside the jurisdictional boundaries of those cities which levy a license fee.
- (2) (a) A city or county that is moist through a local option election held under KRS 242.1244 may by ordinance impose a regulatory license fee upon the gross receipts of the sale of alcoholic beverages of each establishment located in the city or county and licensed to sell alcoholic beverages by the drink for consumption on the premises.
- (b) The regulatory license fee may be levied annually at a rate that is reasonably estimated to fully reimburse the city or county for the estimated costs for any additional policing, regulatory, or administrative related expenses.
- (c) The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed by the city or county pursuant to KRS 243.060 or 243.070.
- (d) In a county in which the city and county both levy a regulatory license fee, the county license fee shall only be applicable outside the jurisdictional boundaries of those cities which levy a license fee.
- (3) For any election held after July 15, 2014, any new fee authorized under subsection (1) or (2) of this section shall be enacted by the city or county no later than two (2) years from the date of the local option election held under KRS Chapter 242.
- (4) After July 15, 2014, any fee authorized under subsections (1) and (2) of this section shall be established at a rate that will generate revenue that does not exceed the total of the reasonable expenses actually incurred by the city or county in the immediately previous fiscal year for the additional cost, as demonstrated by reasonable evidence, of:
  - (a) Policing;

- (b) Regulation; and
- (c) Administration;

as a result of the sale of alcoholic beverages within the city or county.

- (5)
  - (a) The Alcoholic Beverage Control Board shall promulgate administrative regulations which set forth the process by which a city or county, in the first year following the discontinuance of prohibition, may estimate any additional policing, regulation, and administrative expenses by a city or county directly and solely related to the discontinuance of prohibition. This subsection shall apply to any discontinuance of prohibition occurring after the promulgation of administrative regulations required by this subsection.
  - (b) After the first year, the regulatory license fee for each subsequent year shall conform to the requirements of subsection (4) of this section.
- (6) The revenue received from the imposition of the regulatory license fee authorized under subsections (1) and (2) of this section shall be:
  - (a) Deposited into a segregated fund of the city or county;
  - (b) Spent only in accordance with the requirements of subsections (1) and (2) of this section; and
  - (c) Audited under an annual audit performed pursuant to KRS 43.070, 64.810, and 91A.040.
- (7) Any city or county found by a court to have violated the provisions of this section shall:
  - (a) Provide a refund as determined by the court to any licensee that has been harmed in an amount equal to its prorated portion of the excess revenues collected by the city or county that are directly attributable to a violation occurring after July 15, 2014;
  - (b) Be responsible for the payment of the reasonable attorney fees directly incurred by a party to a litigation in an amount ordered by the court upon its finding of an intentional and willful violation of this section by a city or county occurring after July 15, 2014; and
  - (c) Upon the finding by a court of a second intentional and willful violation of the provisions of this section, lose the ability to impose the regulatory fee provided by this section for a period of five (5) years and, upon the finding by a court of a third intentional and willful violation, forfeit the right to impose the regulatory license fee authorized by this section.
- (8) Any party bringing suit against a city or county for an alleged violation of this section occurring after July 15, 2014, shall be responsible for the payment of the reasonable attorney fees of the city or county in an amount determined by the court upon a finding by the court that the city or county did not violate this section.
- (9)
  - (a) Any city that does not meet the population requirements of subsection (1) of this section, and any county that has a city exceeding the population requirements of subsection (1) of this section, that imposed a regulatory license fee pursuant to this section as of January 1, 2019, shall be deemed to meet the requirements for doing so set out in this section and may continue to impose the regulatory license fee previously established pursuant to this section.
  - (b) Any city or county that is authorized to impose the regulatory license fee under subsection (1) of this section, or under paragraph (a) of this subsection, that imposed the regulatory license fee at a rate higher than five percent (5%) prior to June 27, 2019, may continue to impose the regulatory license fee at a rate that exceeds five percent (5%). The rate shall continue to be calculated annually pursuant to the requirements of this section and shall not exceed the rate that was imposed by the city or county on January 1, 2019.
- (10) ***A direct shipper licensee shall collect and remit the regulatory license fee imposed by this section as though it were an establishment located in a city or county licensed to sell alcoholic beverages. This fee shall be considered a tax as defined in Section 3 of this Act.***
- (11) ***Any city or county imposing a regulatory license fee under this section shall file with the department a report showing the applicable fee amount and remittance address for each affected license type in its jurisdiction on or before August 1, 2020. Any adoption of this fee after the effective date of this Act or modification of the applicable fee amount or remittance address for each affected licensee shall be reported to the department within thirty (30) days of adoption by the city or county imposing the fee. Within twenty***



*(20) days after receipt of the information, the department shall compile and publish the information so that it is readily available to the public.*

➔Section 10. KRS 243.200 is amended to read as follows:

- (1) A transporter's license may be issued as a primary license to a motor carrier authorized to transact business in the Commonwealth by the Transportation Cabinet or the Federal Motor Carrier Safety Administration or to another person engaged in business as a common carrier. A person holding a transporter's license may transport alcoholic beverages to or from the licensed premises of any licensee under this chapter to an individual consumer if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, deliver, ship, or receive the alcoholic beverages.
- (2) A transporter may deliver or ship ~~directly~~ to consumers over twenty-one (21) years of age in packages clearly marked "Alcoholic Beverages, adult signature (21 years of age or over) required," and ~~shall~~~~must~~ request adult-signature-only service from the carrier. Deliveries or shipments of alcoholic beverages shall only be made into areas of the state in which alcoholic beverages may be lawfully sold. When the shipper requests adult-signature-only service, it shall be a violation for a common carrier not to inspect government-issued identification for proof of age. ***No properly licensed common carrier or any of its employees acting on behalf of a consignor in the course and scope of a delivery or shipment of alcoholic beverages to a consumer shall be liable for a violation of this subsection or any provision of KRS 242.250, 242.260, or 242.270 prohibiting the delivery or shipment of*** ~~or to knowingly deliver or ship~~ alcoholic beverages into areas of the state in which alcoholic beverages are not ~~lawfully~~~~legally~~ sold.
- (3) Except for a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, the holder of a transporter's license shall cause each truck or vehicle to display the name of the licensee and the state license numbers in a manner prescribed by an administrative regulation promulgated by the board.
- (4) Except for an application by a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, an application for a transporter's license shall include a statement that the applicant, if issued a license, shall allow any authorized investigators of the department to stop and examine the cargo of any truck or vehicle in which alcoholic beverages are being transported within the boundaries of the Commonwealth of Kentucky.
- (5) Applicants for the transporter's license under this section, and their employees, shall be exempt from the residency requirements of KRS 243.100.
- (6) A licensee may move, within the same county, alcoholic beverages from one (1) of the licensee's licensed premises to another without a transporter's license. A licensee may move alcoholic beverages from one (1) of the licensee's licensed premises located in one (1) county to a licensed premises located in another county, without a transporter's license, with prior written approval of the administrator for good cause shown. The licensee shall keep and maintain, in one (1) of its licensed premises, adequate books and records of the transactions involved in transporting alcoholic beverages from one (1) licensed premises to another in accordance with standards established in administrative regulations promulgated by the board. The records shall be available to the department and the Department of Revenue upon request.
- (7) Distilled spirits and wine may be transported by any licensed retailer selling distilled spirits or wine, by the package or by the drink, from the premises of a licensed wholesaler to the licensed premises of the retail licensee. Any retailer transporting alcoholic beverages under this subsection shall do so in a vehicle marked in conformity with administrative regulations of the board. Both the wholesaler and the retailer engaging in activity under this subsection shall be responsible for maintaining records documenting the transactions.

➔Section 11. KRS 243.240 is amended to read as follows:

- (1) A quota retail package license shall authorize the licensee to:
  - (a) Purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises; and
  - (b) Deliver ~~or ship~~ to the ~~consumer~~~~customer~~, at the ~~consumer's~~~~customer's~~ request, alcoholic beverages that are purchased ~~for~~
    1. ~~from the licensed premises where eighty percent (80%) of the monthly gross sales receipts are sales to Kentucky residents~~, in quantities not to exceed four and one-half (4 1/2) liters of distilled spirits and four (4) cases of wine per ~~consumer~~~~purchaser~~ per day for sales prior to

January 1, 2021, and in quantities not to exceed an aggregate of nine (9) liters of distilled spirits and four (4) cases of wine per ~~consumer~~~~[purchaser]~~ per day on and after January 1, 2021~~[-and~~

- ~~2. By subscription members or club program members, in quantities not to exceed an aggregate of nine (9) liters per calendar year for distilled spirits, and an aggregate of one (1) case of wine per month per calendar year, provided that the enrollment and payment for the subscription or club is arranged in person at the premises.]~~

- (2) The licensee shall purchase distilled spirits and wine in retail packages only and only from:

- (a) Licensed wholesalers; *or*
- (b) *Those licensees authorized to sell distilled spirits and wine by the package at retail, but only if the distilled spirits and wine have first gone through the three (3) tier system.*

- ~~[(3) All deliveries or shipments made pursuant to this section shall be made through a licensed transporter or licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction to which the products will be delivered or shipped.]~~

➔Section 12. KRS 243.360 is amended to read as follows:

- (1) All persons *shall, before applying for a license, advertise by publication their intention to apply for a license in the newspaper for legal notices under KRS 424.120 for the county or city whose local administrator has local jurisdiction over the proposed premises. This requirement shall not apply to*~~[-except]~~ an applicant for the same license for the same premises, or an applicant for *any of the following licenses:*~~[-an]~~

- (a) Out-of-state malt beverage supplier's license;~~[-]~~
- (b) Limited out-of-state malt beverage supplier's license;~~[-]~~
- (c) Out-of-state distilled spirits and wine supplier's license;~~[-]~~
- (d) Limited out-of-state distilled spirits and wine supplier's license;~~[-]~~
- (e) Supplemental bar license;~~[-]~~
- (f) Extended hours supplemental license;~~[-, a]~~
- (g) Special agent or solicitor's license;~~[-, a]~~
- (h) Special nonbeverage alcohol license;~~[-, a]~~
- (i) Transporter's license;~~[-, a]~~
- (j) Special Sunday drink license;~~[-, a]~~
- (k) Hotel in-room license;~~[-, a]~~
- (l) Sampling license;~~[-]~~
- (m) *Direct shipper license;* or~~[-, a]~~
- (n) Special temporary drink license~~[- shall, before applying for a license, advertise by publication their intention to apply for a license in the newspaper for legal notices under KRS 424.120 for the county or city whose local administrator has local jurisdiction over the proposed premises].~~

- (2) The notice shall contain the following information:

- (a) The notice shall state: the name and address of the applicant and the name and address of each principal owner, partner, member, officer, and director if the applicant is a partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law;
- (b) The notice shall specifically state the location of the premises for which the license is sought, the type of business, and the type of license being requested; and
- (c) The notice shall state the date the application will be filed and shall contain the following statement: "Any person~~[-, association, corporation, or body politic]~~ may protest the approval of the license by writing the Department of Alcoholic Beverage Control~~[-, 1003 Twilight Trail, Frankfort, Kentucky 40601,]~~ within thirty (30) days of the date of legal publication."

- (3) Any protest received after the thirty (30) day period has expired shall not be considered a valid legal protest by the board.
- (4) Substantial compliance with the information listed in subsection (2) of this section shall be sufficient to comply with this section.

➔Section 13. KRS 244.150 is amended to read as follows:

~~{(1) Each licensee shall keep and maintain upon the licensed premises, or make readily available upon request of the department or the Department of Revenue, adequate books and records of all transactions involved in the manufacture, **distribution**, or sale of alcoholic beverages, in the manner required by administrative regulations of the department and the Department of Revenue.~~

~~{(2) The department may require common carriers to provide information in an approved form respecting all shipments of alcoholic beverages to, from, or between persons in Kentucky.}~~

➔Section 14. KRS 243.020 is amended to read as follows:

- (1) A person shall not do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless the person holds or is an **independent contractor**, agent, servant, or employee of a person who holds the kind of license that authorizes the act.
- (2) The holding of any permit from the United States government to traffic in alcoholic beverages without the corresponding requisite state and local licenses shall in all cases raise a rebuttable presumption that the holder of the United States permit is unlawfully trafficking in alcoholic beverages.
- (3) Except as permitted by KRS 243.033, 243.036, 243.155, 243.157, and 243.260, a person, conducting a place of business patronized by the public, who is not a licensee authorized to sell alcoholic beverages, shall not permit any person to sell, barter, loan, give away, or drink alcoholic beverages on the premises of the place of business.
- (4) A licensee shall not permit any consumer to possess, give away, or drink alcoholic beverages on the licensed premises that are not purchased from the licensee.
- (5) Any distilled spirits or wine in excess of three (3) gallons (twelve (12) liters) shall not be stored or kept except upon the licensed premises of a licensee.
- (6) In a moist territory, the only types of licenses that may be issued are those that directly correspond with the types of sales approved by the voters through moist elections within the territory, unless otherwise specifically authorized by statute.

➔Section 15. 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 KRS 242.1243 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) For purposes of all retail drink and package sales under this section, a wholesaler registered to distribute the brands of any distiller shall permit the distiller to **transfer**~~{deliver}~~ its products directly from the distillery proper to any portion of the distillery premises. However, for purposes of all retail drink and package sales by distillers under subsections (3), (8), and (9) of this section, all **of these transfers**~~{direct shipments}~~ shall be invoiced from the distiller to the wholesaler and from the wholesaler to the distiller, and all **of these transferred** 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:
  - (a) **To consumers in accordance with Sections 1 to 3 of this Act if it holds a direct shipper license; and**
  - (b) To distillery visitors of legal drinking age, in quantities not to exceed an aggregate of four and one-half (4-1/2) liters per purchaser per day for sales prior to January 1, 2021, and in quantities not to exceed an aggregate of nine (9) liters per purchaser per day on and after January 1, 2021~~{At the purchaser's request, an order may be delivered or shipped directly to the purchaser. All deliveries or shipments shall be made through a licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction to which the products will be delivered or shipped; and}~~
  - ~~(b) Pursuant to subscription or distillery sponsored club programs, in quantities not to exceed an aggregate of nine (9) liters per calendar year, provided that the enrollment and payment for the subscription or~~

~~club is arranged in person at the distillery. At the member's request, an order may be delivered or shipped directly to the member. All deliveries or shipments shall be made through a licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction to which the products will be delivered or shipped.~~

- (4) Hours of sale for souvenir packages ***sold to distillery visitors*** at retail shall be in conformity with KRS 244.290(3).
- (5) Except as provided in this section, souvenir package sales ***to distillery visitors*** 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 KRS 244.050 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 (1-3/4) ounces of samples per visitor per day.
- (8) Notwithstanding the provisions of KRS 243.110, 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 KRS 242.1243 may:
  - (a) Hold an NQ2 retail drink license for the sale of alcoholic beverages on the distillery premises; and
  - (b) Employ persons to engage in the sale or service of alcohol under an NQ2 license, if each employee completes the department's Server Training in Alcohol Regulations program within thirty (30) days of beginning employment.
- (9) A distiller may sell to consumers at fairs, festivals, and other similar types of events located in wet territory alcoholic beverages by the drink, containing spirits distilled or bottled on the premises of the distillery.
- (10) 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.
- (11) 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 16. KRS 243.110 is amended to read as follows:

- (1) Except as provided in subsection (3) of this section, each kind of license listed in KRS 243.030 shall be incompatible with every other kind listed in that section and no person or entity holding a license of any of those kinds shall apply for or hold a license of another kind listed in KRS 243.030.
- (2)
  - (a) Each kind of license listed in KRS 243.040(1), (3), or (4) shall be incompatible with every other kind listed in KRS 243.040(1), (3), or (4), and no person holding a license of any of those kinds shall apply for or hold a license of any other kind listed in KRS 243.040(1), (3), or (4).
  - (b) A brewery holding a license listed in KRS 243.040(5) or (8) shall not apply for or hold a license listed in KRS 243.040(3) or (4).
- (3)
  - (a) The holder of a quota retail package license may also hold a quota retail drink license, an NQ1 retail drink license, an NQ2 retail drink license, or a special nonbeverage alcohol license.
  - (b) The holder of a transporter's license may also hold a distilled spirits and wine storage license.
  - (c) The holder of a distiller's license may also hold a rectifier's license, a special nonbeverage alcohol license, a winery license, or a small farm winery license.

- (d) A commercial airline system or charter flight system retail license, a commercial airline system or charter flight system transporter's license, and a retail drink license if held by a commercial airline or charter flight system may be held by the same licensee.
- (e) A Sunday retail drink license and supplemental license may be held by the holder of a primary license.
- (f) ***The holder of a distiller's, winery, or small farm winery license may also hold a direct shipper license.***

- (4) Any person may hold two (2) or more licenses of the same kind.
- (5) A person or entity shall not evade the prohibition against applying for or holding licenses of two (2) kinds by applying for a second license through or under the name of a different person or entity. The state administrator shall examine the ownership, membership, and management of applicants, and shall deny the application for a license if the applicant is substantially interested in a person or entity that holds an incompatible license.

➔Section 17. KRS 243.130 is amended to read as follows:

- (1) Sales and deliveries of distilled spirits and wine may be made at wholesale, and from the licensed premises only:
  - (a) By distillers to rectifiers, wineries, holders of special nonbeverage alcohol licenses so far as they may make the purchases, or other distillers;
  - (b) By rectifiers to wineries or to distillers if distilled spirits sold to distillers are packaged in retail containers;
  - (c) By wineries to rectifiers or other wineries, or to the holders of special nonbeverage alcohol licenses;
  - (d) By distillers, rectifiers, or wineries to wholesalers; or
  - (e) By distillers, rectifiers, or wineries for export out of the state.
- (2) No distiller, rectifier, or winery shall sell or contract to sell, give away, or deliver any alcoholic beverages to any person who is not authorized by the law of the state of the person's residence, and of the United States government if located in the United States, to receive and possess those alcoholic beverages. Except as provided in ***Sections 1 to 3 of this Act and KRS 243.0305***, no distiller, rectifier, or winery shall sell or contract to sell, give away, or deliver any of its products to any retailer or consumer in Kentucky.
- (3) Employees of distillers, rectifiers, and wineries may sample the products produced by that manufacturer for purposes of education, quality control, and product development.
- (4) Distillers may purchase distilled spirits only from other licensed distillers in this state or in another state or province, but distillers may purchase from rectifiers licensed in Kentucky, distilled spirits which are packaged in retail containers.
- (5) Rectifiers may purchase distilled spirits and wine only from licensed distillers or wineries in Kentucky, or from nonresident distillers or wineries authorized by the law of the state of their residence and by the United States government, if the distillers or wineries are located in the United States, to make the sales.
- (6) Wineries may purchase distilled spirits or wine only from licensed distillers or wineries in Kentucky, or from nonresident distillers or wineries authorized by law of the state of their residence, and by the United States government if located in the United States, to make the sales.
- (7) Nothing shall prohibit the purchase or sale of warehouse receipts by any person, but this subsection does not authorize the owner of a warehouse receipt to accept delivery of any distilled spirits unless the owner is a person who is permitted by law to receive the distilled spirits.
- (8) Nothing in this section shall be construed to:
  - (a) Vitate the policy of this Commonwealth supporting an orderly three (3) tier system for the production and sale of alcoholic beverages; or
  - (b) Allow delivery or shipment of alcohol into dry or moist territory.

➔Section 18. 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 only any malt beverage which the licensee is

authorized by its license to manufacture or sell, but the licensee 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 license to:
  - (a) A licensed wholesaler from the licensed premises;
  - (b) Any of its employees for home consumption;
  - (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 conducted in a taproom or similar space that is located at the licensed brewery; and
    2. Package sales for off-premises consumption only by using a refillable, resealable growler; **and**
  - (e) **Consumers, if the brewer holds a direct shipper license under Sections 1 to 3 of this Act.**
- (3) A licensed brewer may buy malt beverages from another licensed brewer in this state or nonresident brewer authorized by the law of the state of its residence, and by the United States government if located in the United States, to make these sales;
- (4) Employees of a licensed brewer may sample the products produced by that manufacturer for purposes of education, quality control, and product development.
- (5) A brewer may serve on the licensed 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 19. 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 board 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) Engage in the business of a winery under the terms and conditions of KRS 243.120 and 243.130. The manufacture of wine at the small farm winery shall not be less than two hundred fifty (250) gallons, and shall not exceed one hundred thousand (100,000) gallons, in one (1) year;
  - (b) Bottle wines produced by that small farm winery and other licensed small farm wineries;
  - (c) Enter into an agreement with another licensed small farm winery under which it crushes, processes, ferments, bottles, or any combination of these services, the grapes, fruits, or other agricultural products of the other small farm winery for a production year. The resulting wine shall be considered the product 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) If the licensed small farm winery or off-premises retail site premises is located in wet territory or in a precinct that has authorized alcoholic beverage sales by the small farm winery under KRS 242.124:
    1. Serve complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day; and
    2. Sell by the drink for on-premises consumption or by the package wine produced by it or by another licensed small farm winery, at retail to consumers;
  - (e) Sell by the drink or by the package, at fairs, festivals, and other similar types of events, wine produced by it or by another licensed small farm winery, at retail to consumers if all sales occur in a wet territory;

- (f) Sell and transport wine produced by it to **consumers**, licensed small farm winery off-premises retail sites, wholesale license holders, and small farm winery license holders;
  - (g) 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) ***A small farm winery may sell wine at retail to consumers in accordance with Sections 1 to 3 of this Act if it holds a direct shipper license***~~[Deliver or ship packages of wine at retail:~~
    - ~~1. To small farm winery visitors of legal drinking age, in quantities not to exceed four (4) cases per purchaser per day. A winery shall deliver or ship the packages to the purchaser through a licensed common carrier that is authorized to deliver or ship wine in the jurisdiction to which the products will be delivered or shipped; and~~
    - ~~2. Pursuant to subscription or small farm winery sponsored club programs, in quantities not to exceed an aggregate of one (1) case per month per calendar year, provided that the enrollment and payment for the subscription or club is arranged in person at the small farm winery. At the member's request, an order may be delivered or shipped directly to the member. All deliveries or shipments shall be made through a licensed common carrier authorized to deliver or ship wine in the jurisdiction to which the products will be delivered or shipped].~~
  - (3) If the requirements of KRS 242.1241 or 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.
  - (4) A small farm winery license holder may also hold an NQ2 retail drink license or an NQ4 retail malt beverage drink license if:
    - (a) The small farm winery is located in wet territory or in a precinct that has authorized alcoholic beverage sales by the small farm winery under KRS 242.124; and
    - (b) 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.
  - (5) This section shall not exempt the holder of a small farm winery license from the provisions of KRS Chapters 241 to 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.
  - (6) Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.
  - (7) Upon the approval of the department, a small farm winery license may be renewed after the licensee submits to the department the winery's federal basic permit and proof of its annual wine production.
  - (8) An employee of a small farm winery may sample the products produced by that small farm winery for purposes of education, quality control, and product development.
- ➔Section 20. 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 the microbrewery shall not exceed fifty thousand (50,000) barrels in one (1) year;
    - (b) Serve on the premises complimentary samples of malt beverages produced by the 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;
    - (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, pursuant to the following:
      - 1. Without restriction on the amount of malt beverages sold by the drink for on-premises consumption; and

2. With a restriction on the amount of malt beverages sold for off-premises consumption, in an aggregate amount not to exceed thirty-one (31) gallons per person per day that shall not include more than three (3) cases in case format; and
- (e) Sell:
  1. Unlimited amounts of malt beverages by the drink; and
  2. Not more than one (1) case of packaged 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 (c)2. of this section.
- (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; and
    2. The microbrewery reports and pays all taxes required by subsection (5)(a) and (b) of this section to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3); 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; and
    2. The microbrewery reports and pays all taxes required by subsection (5)(a) and (b) of this section to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3).
- (4) The provisions of subsection (3)(b) and (c) of this section shall apply only to malt beverages that are produced by the microbrewery at its licensed premises and:
  - (a) 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 to 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, ***under Sections 1 to 3 of this Act if the microbrewery holds a direct shipper license.***
- (5)
  - (a) A microbrewery selling malt beverages in accordance with subsection (3)(b) and (c) of this section shall pay all wholesale sales taxes due under KRS 243.884. For the purposes of this subsection, "wholesale sales" means a sale of malt beverages made by a microbrewery under subsection (3)(b) and (c) of this section, as applicable.
  - (b) 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 or moist territory.
- (7) An employee of a microbrewery may sample the products produced by that microbrewery for purposes of education, quality control, and product development.



- (8) This section does not exempt the holder of a microbrewery license from the provisions of KRS Chapters 241 to 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.

- (9) 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 21. KRS 244.165 is amended to read as follows:

- (1) Except as provided in *Sections 1 to 3 of this Act*~~[subsections (2), (3), and (4) of this section]~~, it shall be unlawful for any person in the business of selling alcoholic beverages in another state or country to deliver or ship or cause to be delivered or shipped any alcoholic beverage directly to any Kentucky *consumer*~~[resident]~~ who does not hold a valid wholesaler or distributor license issued by the Commonwealth~~[of Kentucky]~~.
- (2)~~[A winery or small farm winery located in another state may deliver or ship wine to a customer in Kentucky if:~~
- ~~(a) The wine, subscription, or club program membership is purchased by the customer in person at the winery or small farm winery;~~
  - ~~(b) The Kentucky purchaser is of legal age;~~
  - ~~(c) The out of state winery or small farm winery is licensed in Kentucky;~~
  - ~~(d) Either:~~
    - ~~1. No more than four (4) cases of wine are purchased per day per visit; or~~
    - ~~2. The wine is purchased pursuant to subscription, or winery sponsored or small farm winery sponsored club programs, in quantities not to exceed an aggregate of one (1) case of wine per month per calendar year; and~~
  - ~~(e) The wine is delivered or shipped through a licensed transporter or licensed common carrier authorized to deliver or ship wine in the jurisdiction in which the delivery or shipment will occur.~~
- (3)~~[A distillery located in another state may deliver or ship distilled spirits directly to a customer in Kentucky if:~~
- ~~(a) The distilled spirits, subscription, or club program membership is purchased by the customer in person at the distillery;~~
  - ~~(b) The Kentucky purchaser is of legal age;~~
  - ~~(c) The distillery is licensed in Kentucky;~~
  - ~~(d) Either:~~
    - ~~1. No more than four and one half (4 1/2) liters of distilled spirits are purchased per day per visit for sales prior to January 1, 2021, and in quantities not to exceed an aggregate of nine (9) liters per purchaser per day for sales on and after January 1, 2021; or~~
    - ~~2. The distilled spirits are purchased pursuant to subscription or distillery sponsored club programs, in quantities not to exceed an aggregate of nine (9) liters of distilled spirits per calendar year; and~~
  - ~~(e) The distilled spirits are delivered or shipped through a licensed transporter or licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction in which the delivery or shipment will occur.~~
- (4)~~]~~ A licensed transporter or common carrier making deliveries or shipments pursuant to this section shall deliver or ship directly to consumers over twenty-one (21) years of age in packages clearly marked "Alcoholic Beverages, adult signature (21 years of age or over) required," and *shall*~~[must]~~ request adult-signature-only service from the carrier. *A licensed common carrier shall not knowingly ship unlicensed alcoholic beverage shipments into the Commonwealth.* Deliveries or shipments of alcoholic beverages shall only be made into areas of the state in which alcoholic beverages may be lawfully sold. When the shipper requests adult-signature-only service, it shall be a violation for a common carrier not to inspect government-issued identification for proof of age. *No properly licensed common carrier or any of its employees acting on behalf of a consignor shall be liable for a violation of any provision of KRS 242.250, 242.260, or 242.270 prohibiting the delivery or shipment of*~~[or to knowingly deliver or ship]~~ alcoholic beverages into areas of the state in which alcoholic beverages are not *lawfully*~~[legally]~~ sold.

~~[(5) Nothing contained in this section shall exempt a licensed out of state alcoholic beverage producer from obeying the laws of its resident state.]~~

~~(3)[(6)]~~ Any person who violates subsection (1) of this section shall, for the first offense, be mailed a certified letter by the department ordering that person to cease and desist any deliveries or shipments of alcoholic beverages to Kentucky residents, and *the department shall mail a copy of the certified letter to the licensing authority where the person is located. Any subsequent violations may result in further legal action*~~[for the second and each subsequent offense, be guilty of a Class D felony].~~

**Became law without Governor's signature April 8, 2020.**

## CHAPTER 81

### ( HB 308 )

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. There is appropriated out of the general fund, federal funds, 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:

#### AC Entertainment LLC

900 South Gay Street, Suite 1001

Knoxville, TN 37902-1840

\$4,200.00

#### Allied Universal Security Services

PO Box 828854

Philadelphia, PA 19182-8854

\$350,891.57

#### Alpha Mechanical Services, Inc.

7200 Distribution Drive

Louisville, KY 40258-2827

\$8,943.66

#### Alpha Mechanical Services, Inc.

7200 Distribution Drive

Louisville, KY 40258-2827

\$5,233.12

#### Area Wide Protective

PO Box 636219

Cincinnati, OH 45263

\$42,690.14

#### Beck & Co. Engineering, Inc.

8727 Pheasant Run Circle

Woodbury, MN 55125

\$27,774.35

#### Brittney Thomas

3441 Laredo Drive, #47

Lexington, KY 40517-2242	\$1,300.00
Caine and Weiner	
PO Box 55848	
Sherman Oaks, CA 91413-0848	\$3,000.00
Coal Field Flooring	
2515 South Main, PO Box 24	
Madisonville, KY 42431	\$19,280.40
Connections Telehealth Consortium	
41 Pleasant Street	
Bangor, ME 04401-6421	\$54,501.07
eClinicalWorks	
Two Technology Drive	
Westborough, MA 01581-1727	\$524,159.74
Grayson Rural Electric COOP Corp.	
109 Bagby Park	
Grayson, KY 41143-1292	\$34,569.34
IWSI America Inc.	
17192 Murphy Avenue, Suite 17985	
Irvine, CA 92623-9998	\$59,000.00
Kentucky Community and Technical College System	
300 North Maine Street	
Versailles, KY 40383-1245	\$11,000.00
Klein Law Group PLLC	
1250 Connecticut Avenue NW, Suite 700	
Washington, DC 20036-2657	\$8,770.50
Miles Partnership	
PO Box 54133	
New Orleans, LA 70154-4133	\$35,298.58
National Federation of the Blind	
1800 Johnson Street	
Baltimore, MD 21230-4914	\$11,808.00
Northern Kentucky Cooperative for Educational Services	
5516 East Alexandria Pike	
Cold Spring, KY 41076-3540	\$29,244.28
Rogers Group, Inc.	
PO Box 102798	
Atlanta, GA 30368-2798	\$15,905.00
Sprint	
PO Box 871197	

Kansas City, MO 64187-1197	\$180.00
Sumotext Corporation	
201 East Markham Street, Suite 150	
Little Rock, AR 72201-1630	\$4,500.00
University of Kentucky Veterinary Diagnostic Laboratory	
PO Box 14125	
Lexington, KY 40512-4125	\$330.00
University of Louisville Research Foundation	
Office of Sponsored Program Administration	
300 East Market Street, Suite 300	
Lexington, KY 40202-1959	\$73,762.05
Wrigley Media Group	
804 Newtown Circle	
Lexington, KY 40511-1241	\$15,294.50
➔Section 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 years from the date of issuance of such checks as required by KRS 41.370 and 413.120:	
Check #P1 12437775 dated December 22, 2010	
Allen Jr, Melvin D	
402 Christopher Place	
Louisville, KY 40214-1308	\$1,008.92
Check #P1 12448109 dated January, 14, 2011	
Allen Jr, Melvin D	
402 Christopher Place	
Louisville, KY 40214-1308	\$844.07
Check #TA 15203008 dated May, 15, 2012	
Anderson, Luke D	
PO Box 202	
Murray, KY 42071-0004	\$74.00
Check #T1 03772216 dated December 27, 2005	
Atkins, Juanita	
1484 Runyon Branch Road	
Pinsonfork, KY 41555-7414	\$33.00
Check #TA 15763677 dated June 12, 2013	
Badhan, Riasad A	
300 Alumni Drive, Apt 291	
Lexington, KY 40503-1636	\$99.00
Check #TA 15692971 dated May 2, 2013	
Bannister, Anthony and K (deceased)	
461 Birdie Bannister Road	

Eddyville, KY 42038-8583	\$657.00
Check #T1 14568798 dated May 3, 2011	
Brandenburg, Martin and K	
1415 Skaggs Lane	
Hillsboro, KY 41049-9021	\$200.00
Check #TA 15702695 dated May 6, 2013	
Brandenburg, Martin and K	
1415 Skaggs Lane	
Hillsboro, KY 41049-9021	\$155.00
Check #GA 19426991 dated November 25, 2014	
CHFS/DIS Agency Reclaim	
Attn: Ron Johnson	
102 Athletic Drive	
Frankfort, KY 40601-3028	\$15.00
Check #GA 19436719 dated November 26, 2014	
CHFS/DIS Agency Reclaim	
Attn: Ron Johnson	
102 Athletic Drive	
Frankfort, KY 40601-3028	\$15.00
Check #GA 19437073 dated November 26, 2014	
CHFS/DIS Agency Reclaim	
Attn: Ron Johnson	
102 Athletic Drive	
Frankfort, KY 40601-3028	\$15.00
Check #E1 11425892 dated May 13, 2011	
Crane, Thomas and L M	
2001 Rugby Drive	
Murray, KY 42071-9470	\$979.00
Check #T1 13166353 dated April 10, 2009	
Davis, Leigh A	
4299 Ridgewater Drive	
Lexington, KY 40515-6067	\$239.00
Check #BA 11117122 dated June 13, 2014	
Dentsply IH Inc.	
Indirect Tax Department	
PO Box 2846	
York, PA 17405-2846	\$161.85
Check #T1 14500681 dated April 15, 2011	
Eaves, Earnest A and S R	

839 Rogers Gap Road Georgetown, KY 40324-8935	\$433.00
Check #TA 14719476 dated January 31, 2012	
Gemmer, Shannon R 121 Gouge Drive Dry Ridge, KY 41035-7470	\$67.00
Check #E1 11136391 dated February 15, 2008	
Georgel, Dale P and K M 106 Parkside Circle Vine Grove, KY 40175-1147	\$646.00
Check #TA 15759362 dated June 6, 2013	
Gruder, Francine (deceased) C/O Marilyn Gruder, Trustee 2500 Parkview Drive #1906 Hallandale Beach, FL 33099-2869	\$362.00
Check #T1 11910814 dated November 18, 2019	
Hatton, Ben J 1501 Lytle Street Louisville, KY 40203-1071	\$364.00
Check #P 2073834 dated November 11, 1994	
Head, Karen S 6903 Crossbow Place Prospect, KY 40059-9408	\$158.29
Check #L1 11600766 dated March 11, 2011	
Hedden, Corine C/O Mike Staley 215 West Main Street Frankfort, KY 40601-1805	\$190.68
Check #TA 15848019 dated February 11, 2014	
Hensley, Heather N PO Box 672 Pineville, KY 40977-0672	\$32.00
Check #GA 17571882 dated October 8, 2012	
Hinman, Audrey 3051 Cruise Creek Road Morning View, KY 41063-9604	\$24.75
Check #G1 15280263 dated June 7, 2010	
Holiday Inn Express DBA: Bansi & Pratima Inc.	

1050 Fashion Ridge Road Dry Ridge, KY 41035-9612	\$875.40
Check #G1 09188184 dated December 19, 2005	
Hulett, Thad 218 Southway Drive Lancaster, KY 40444-8792	\$195.00
Check #TA 15159127 dated May 3, 2012	
Huynh, David and M 342 Patchen Drive Lexington, KY 40517-4309	\$40.00
Check #EA 11653915 dated November 25, 2013	
Kaelin Sr, Matthew L and T 3102 Gambriel Court Louisville, KY 40205-2734	\$900.00
Check #TA 15068950 dated April 11, 2012	
Kincaid, Tony N 112 Sterling Street Winchester, KY 40391-1546	\$21.00
Check #T1 13296742 dated April 29, 2009	
Kinzer, Joshua J 2406 Green Acres Drive Clarksville, TN 37042-5613	\$20.00
Check #T1 13831306 dated April 6, 2010	
Kirkpatrick, June A 9122 Lawrenceburg Road Harrodsburg, KY 40330-8045	\$403.00
Check #GA 18623692 dated December 13, 2013	
Klink, Charles (Dec'd) for Virginia Klink C/O Keith Klink, Executor 1041 Woodspoint Drive Lawrenceburg, KY 40342-9749	\$55.80
Check #GA 18276065 dated July 18, 2013	
Lamn, Harolyn 73 Shawn Drive Benton, KY 42025-6724	\$24.00
Check #G1 1162831 dated January 9, 1995	
Loafman, Jean E 712 Glen Lily Road Bowling Green, KY 42101-2734	\$31.36

Check #E1 11332467 dated April 19, 2010

Margolen, Marcy M

C/O Doris Brown, Dept. of Revenue

500 High Street

Frankfort, KY 40601

\$132.00

Check #T1 14367733 dated March 16, 2011

Marshall, David

2023 Napoleon Boulevard

Louisville, KY 40205-1831

\$361.00

Check #T1 11760256 dated June 6, 2007

Massing, Leo A and A T

1380 Stovall Road

Elizabethtown, KY 42701-6170

\$119.00

Check #TA 15143394 dated May 1, 2012

McCahren, Gerald P

435 Haggin Lane

Wilmore, KY 40390-9606

\$421.00

Check #TA 15759338 dated June 6, 2013

McCormick-Goodhar, J M

C/O PNC Bank

620 Liberty Avenue

Pittsburgh, PA 15222-2722

\$11,102.00

Check #T1 12467735 dated April 18, 2008

Monfort Jr, Roy L and N A

6501 Burlwood Drive

Louisville, KY 40229-1443

\$844.00

Check #TA 16163529 dated April 18, 2014

Nolan, Timothy E

4170 Providence Square

Alpharetta, GA 30009-3288

\$381.00

Check #EA 11528869 dated June 5, 2012

O'Shea, Thomas K and T L

4535 Southern Parkway

Louisville, KY 40214-1414

\$6,337.00

Check #EA 11686939 dated May 21, 2014

Partusch, Michael J and P

1323 Thornbird Drive

Cincinnati, OH 45230-2771

\$496.00

Check #T1 13937480 dated April 22, 2010



Perezmartinez, Valente 1220 Matamoros Street, Suite 2085 Laredo, TX 78040-5009	\$219.00
Check #TA 16260289 dated May 19, 2014 Rust, Chester J and L L Rust PO Box 2817 Labelle, FL 33975-2817	\$487.00
Check #G1 13256476 dated March 25, 2008 Shepherd, Judith C 3887 North Highway 421 Manchester, KY 40962-8214	\$159.32
Check #TA 15765650 dated June 14, 2013 Steele, John W and Cathy J 8388 Red Cedar Court Florence, KY 41042-9650	\$146.00
Check #TA 14888560 dated February 28, 2012 Tannenbaum, Robert 2414 Lake Park Road, #2108 Lexington, KY 40502-1339	\$671.00
Check #GA 17145813 dated May 3, 2012 Tempur Sealy International, Inc. Attn: Heather Isley One Office Parkway Road Trinity, NC 27370-9449	\$5,750.00
Check #BA 11081216 dated November 17, 2011 Verizon Wireless Services LLC Attn: August Cabonce, Room A114 500 Technology Drive Weldon Spring, MO 63304-2225	\$9,234.75
Check #TA 14648504 dated July 13, 2011 Wilkinson, Christine 1412 Willow Avenue, #54 Louisville, KY 40204-1431	\$72.00
Check #P1 11346577 dated June 15, 2007 Wilson, Kari J 211 Anthony Way Richmond, KY 40475-8209	\$426.88

➔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 8, 2020.

## CHAPTER 82

## ( SB 249 )

AN ACT relating to retirement and declaring an emergency.

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

➔Section 1. KRS 61.565 is repealed, reenacted, and amended to read as follows:

- (1) (a) Each employer participating in the State Police Retirement System as provided for in KRS 16.505 to 16.652, the County Employees Retirement System as provided for in KRS 78.510 to 78.852, and the Kentucky Employees Retirement System as provided for in KRS 61.510 to 61.705 shall contribute annually to the respective retirement system an amount determined by the actuarial valuation completed in accordance with KRS 61.670 and as specified by this section. Employer contributions for each respective retirement system shall be equal to the sum of the "normal cost contribution" and the "actuarially accrued liability contribution."
- (b) For purposes of this section, the normal cost contribution shall be computed as a percentage of pay and shall be an annual amount that is sufficient when combined with employee contributions to fund benefits earned during the year in the respective system~~[or plan, including costs for those members who elect to participate in the 401(a) money purchase plan]~~. The amount shall be:
  1. Paid as a percentage of creditable compensation reported for each employee participating in the system~~[or plan]~~ and accruing benefits; *and*
  2. *The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.*
- (c) For purposes of this section, the actuarially accrued liability contribution shall be:
  1. *Computed by amortizing*~~[an annual dollar amount that is sufficient to amortize]~~ the total unfunded actuarially accrued liability of each system over a closed period of thirty (30) years *beginning with the 2019 actuarial valuation* using the *level percentage of payroll*~~[level dollar]~~ amortization method, *except that any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2019 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from, but not be limited to, legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;*
  2. *Paid as a percentage of payroll on the creditable compensation reported for each employee participating in the system and accruing benefits; and*
  3. *The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.* ~~[This method shall be used beginning with the 2019 actuarial valuation, and employer costs for the actuarially accrued liability contribution shall be prorated to each employer as provided by paragraph (f) of this subsection.]~~
- (d) The employer contributions computed under this section shall be determined using:
  1. The entry age normal cost funding method;
  2. An asset smoothing method that smooths investment gains and losses over a five (5) year period; and

3. Other funding methods and assumptions established by the board in accordance with KRS 61.670.
- (e) Effective with the 2019 actuarial valuation, the amortization period for the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System **for liabilities accrued as of the 2019 actuarial valuation** shall be reset to a new thirty (30) year closed period for purposes of calculating the actuarially accrued liability contribution prescribed by **paragraph (c)** this subsection.
- ~~{(f) The dollar value of the actuarially accrued liability contribution specified by paragraph (e) of this subsection payable by each individual system employer based upon the 2019 actuarial valuation shall be prorated based upon the individual employer's average percentage of the total creditable compensation reported by all employers in the specific system in fiscal years 2014-2015, 2015-2016, and 2016-2017, except that the amount shall:~~
  - ~~1. Not apply to any employer who ceases participation and pays the full actuarial cost of ceasing participation as provided by KRS 61.522;~~
  - ~~2. Be adjusted for each remaining employer of a system to reflect any employer who ceases participation and who pays the full actuarial cost of ceasing participation as provided by KRS 61.522; and~~
  - ~~3. Be a single amount for all executive branch departments, program cabinets and their respective departments and administrative bodies enumerated in KRS 12.020, and any other executive branch agencies administratively attached to a department, program cabinet, or administrative body enumerated in KRS 12.020.}~~
- (2) (a) Normal cost contribution rates and the actuarially accrued liability contribution shall be determined by the board on the basis of the annual actuarial valuation last preceding the July 1 of a new biennium.
- (b) The board may amend contribution rates as of July 1 of the second year of a biennium **for the County Employees Retirement System**, if it is determined on the basis of a subsequent actuarial valuation that amended contribution rates are necessary to satisfy the requirements of this section.
- (c) ~~{Effective for employer contribution rates payable on or after July 1, 2014, through June 30, 2020,}~~ The board shall not have the authority to amend contribution rates as of July 1 of the second year of the biennium for the Kentucky Employees Retirement System and the State Police Retirement System.
- (3) The system shall advise each employer prior to ~~{the beginning of each biennium, or prior to }~~ July 1 ~~{of the second year of a biennium for employers participating in the County Employees Retirement System,}~~ of any change in the employer contribution rate. Based on the employer contribution rate, each employer shall include in the budget sufficient funds to pay the employer contributions as determined by the board under this section.
- (4) **All employers, including** the General Assembly, shall pay the full actuarially required **contributions** ~~{contribution rate}~~, as prescribed by this section, to the Kentucky Employees Retirement System and the State Police Retirement System in fiscal years occurring on or after **July 1, 2020** ~~{July 1, 2014}~~.
- (5) Notwithstanding any other provision of KRS Chapter 61 or 78 to the contrary, the employer contribution established by the board for the County Employees Retirement System that are payable on or after July 1, 2018, and until June 30, 2028, for the pension and health insurance funds, including the normal cost contribution and the actuarially accrued liability contribution for each fund, shall not increase by more than twelve percent (12%) in terms of projected dollars paid by participating employers over the prior fiscal year as determined by the system's consulting actuary.

➔Section 2. 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, or investment returns earned as provided by KRS 61.5956, on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon or investment returns earned as provided by KRS 61.5956. "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":
  - (a) Except as provided by paragraph (b) or (c) of this subsection, 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);
  - (b) Includes:
    - 1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which 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);
    - 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;

3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
  4. 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; and
  5. 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); and
- (c) Excludes:
1. Uniform, equipment, or any other expense allowances paid on or after January 1, 2019, living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
  2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
  3. For employees participating in a nonhazardous position who began participating prior to September 1, 2008, and who retire after July 1, 2023, lump-sum payments for compensatory time upon termination of employment;
  4. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
  5. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;
- (14) "Final compensation" of a member means:
- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, 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, except that for members retiring on or after January 1, 2019, the five (5) fiscal years shall be complete fiscal years. If the number of months of service credit during the five (5) year period is less than forty-eight (48) for members retiring prior to January 1, 2019, one (1) or more additional fiscal years shall be used. If a member retiring on or after January 1, 2019, 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, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months;
  - (b) For a member who is employed in a nonhazardous position, 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, and who retired prior to January 1, 2019, 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 employed in a nonhazardous position, 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, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; 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, or for a member who begins participating prior to September 1, 2008, who is employed in a hazardous position as provided in KRS 61.592, who retires on or after January 1, 2019, 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. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (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 and are nonrenewable;
  - (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*~~dollar~~ amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability *as expressed as a percentage of payroll*~~that is set as an equal dollar amount~~ over *a set period of years*~~the remaining amortization period as of the actuarial valuation date~~. 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~~*amortization* 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;
- (41) "Accumulated account balance" means:
  - (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions;
  - (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; or
  - (c) For nonhazardous members who are participating in the 401(a) money purchase plan as provided by KRS 61.5956, the combined sum of the member's accumulated contribution and the member's accumulated employer contribution in the 401(a) money purchase plan;
- (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;
- (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;
- (44) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- (45) "Accumulated employer contribution" means the employer contribution deposited to the member's account and any investment returns on such amounts as provided by KRS 61.5956; and



- (46) "Monthly average pay" means the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment.

➔Section 3. KRS 61.522 is amended to read as follows:

Notwithstanding any other provision of KRS 61.510 to 61.705 or 78.510 to 78.852 to the contrary:

- (1) For purposes of this section:
- (a) "Active member" means a member who is participating in the system;
  - (b) "Employer" means the governing body of a department, as defined by KRS 61.510, or a county as defined by KRS 78.510;
  - (c) "Employer's effective cessation date" means:
    - 1. The last day of the system's plan year in the year in which the employer has elected to cease participation in the system, provided the employer has met the requirements of this section and has given the Kentucky Retirement Systems sufficient notice as provided by administrative regulations promulgated by the systems; or
    - 2. For Kentucky Employees Retirement System employers making an election to cease participating under the provisions of subsection (8) of this section, it shall be June 30, ~~2021~~~~2020~~; and
  - (d) "Inactive member" means a member who is not participating with the system;
- (2) Any employer participating in the Kentucky Employees Retirement System or the County Employees Retirement System on July 1, 2015, except as limited by subsection (6) of this section, may:
- (a) Voluntarily cease participation in its respective retirement system subject to the requirements and restrictions of this section;
  - (b) Be required to involuntarily cease participation in the system under the provisions of this section if the board has determined the employer is no longer qualified to participate in a governmental plan or has failed to comply with the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852; or
  - (c) If the employer is participating in the Kentucky Employees Retirement System, request an estimate of the cost of voluntarily ceasing participation in the system prior to officially making a request to cease participation. For those Kentucky Employees Retirement System nonhazardous employers who are considering ceasing participating in the system under the provisions of subsection (8) of this section on June 30, ~~2021~~~~2020~~, the request for an estimate to voluntarily cease participating must be made prior to December 31, 2019, and the estimate shall be provided to that employer within sixty (60) days of the request, except that no estimate shall be required to be provided prior to January 31, 2020;
- (3) (a) If an employer desires to voluntarily cease participation in the Kentucky Employees Retirement System or the County Employees Retirement System as provided by subsection (2)(a) of this section:
- 1. The employer shall adopt a resolution requesting to cease participation in the system and shall submit the resolution to the board for its approval. The board shall not be able to deny a resolution to cease participation in the Kentucky Employees Retirement System for any employer who seeks to voluntarily cease participation in the system as provided by subsection (8) of this section;
  - 2. Except as provided by subsection (8)(d) of this section, the cessation of participation in the system shall apply to all employees of the employer;
  - 3. The employer shall pay for all administrative costs of an actuarial study to be completed by the Kentucky Retirement Systems' consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board and as provided by this section;
  - 4. The employer shall provide an alternative retirement program for employees who will no longer be covered by the system, which may include a voluntary defined contribution plan but, for Kentucky Employees Retirement System employers with effective cessation dates occurring on or after June 30, 2020, the alternative retirement program shall not include a defined benefit plan which by its nature can have an unfunded liability;

5. If the alternative retirement program established by the employer meets the qualification requirements under 26 U.S.C. sec. 401(a) or 26 U.S.C. sec. 403(b) and is capable of accepting trustee-to-trustee transfers of both pre-tax and post-tax contributions, employees of the employer ceasing participation may, except for those employees continuing to participate in the system as provided by subsection (8)(d)2. of this section, seek to transfer his or her account balance to the employer's qualified alternate retirement program within sixty (60) days of the employer's effective cessation date. An employee's election to transfer his or her account balance within sixty (60) days of the employer's effective cessation date is an irrevocable waiver of the right to obtain service credits in the system for the time worked for the employer ceasing participation;
  6. The employer shall pay to the system by lump sum or in installments as provided by subsection (8) of this section, if eligible, the full actuarial cost, except as provided by subsection (8)(g)4. of this section, of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required by subparagraph 3. of this paragraph. If the employer makes an election for employees to continue to participate in the system as provided by subsection (8)(d)2. of this section, the cost shall also include the present value of future normal costs of those employees who will continue to participate in the system after the employer's effective cessation date. The full actuarial cost shall not include any employee who seeks a transfer of his or her account balance within sixty (60) days of the employer's effective cessation date as provided by subparagraph 5. of this paragraph. The actuarial cost shall be fixed, and the employer shall not be subject to any increases or subsequent adjustments, once the lump sum is paid or the installment payments have commenced; and
  7. Kentucky Employees Retirement System employers ceasing participating under the provisions of subsection (8) of this section who elect to pay their actuarial costs by a lump sum shall make the full lump-sum payment by June 30, ~~2022~~~~{2021}~~, and shall pay interest on the principal amount beginning on July 1, ~~2021~~~~{2020}~~, equal to a rate of five and one-quarter percent (5.25%) per annum for pension costs and at a rate of six and one-quarter percent (6.25%) per annum for retiree health costs until the lump-sum payment is made. If the ceasing employer fails to make the full lump-sum payment by June 30, ~~2022~~~~{2021}~~, the ceasing employer shall make installments as provided by subsection (8)(g) of this section, and the ceasing employer shall have the costs recalculated based upon making installment payments as provided by this section and shall be required to make up any missed installment payments as determined by the system.
- (b) If the board determines an employer must involuntarily cease participation in the system as provided by subsection (2)(b) of this section:
1. The cessation of participation in the system shall apply to all employees of the employer;
  2. The employer shall pay for all administrative costs of an actuarial study to be completed by the Kentucky Retirement Systems' consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board and as provided by this section; and
  3. The employer shall pay by lump sum to the system the full actuarial cost of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required by subparagraph 2. of this paragraph. The actuarial cost shall be fixed, and the employer shall not be subject to any increases or subsequent adjustments, once the lump sum is paid.
- A Kentucky Employees Retirement System employer who ceases participation in the systems under this paragraph shall not establish or contribute to on behalf of its employees a defined benefit plan which by its nature can have an unfunded liability;
- (4) Any employee hired on or after the employer's effective cessation date by an employer who has ceased participation in the system as provided by this section shall not, regardless of his or her membership date in the systems administered by Kentucky Retirement Systems, be eligible to participate in the Kentucky Employees Retirement System or the County Employees Retirement System through the employer that ceased participation for the duration of his or her employment with that employer;
  - (5) If an employer has ceased participation in the system as provided by this section:

- (a) The rights of recipients and the vested rights of inactive members accrued as of the employer's effective cessation date shall not be impaired or reduced in any manner as a result of the employer ceasing participation in the system; and
- (b) Except as provided by subsection (8)(d)2. of this section, employees of the employer ceasing participation shall accrue benefits through the employer's effective cessation date but shall not accrue any additional benefits in the Kentucky Employees Retirement System or the County Employees Retirement System, including earning years of service credit through the ceased employer, after the employer's effective cessation date for as long as they remain employed by the employer. The day after the employer's effective cessation date, each employee described by this paragraph, except as provided by subsection (8)(d)2. of this section, shall be considered an inactive member with respect to his or her employment with the employer that ceased participation and, subject to the provisions and limitations of KRS 61.510 to 61.705 and 78.510 to 78.852, shall:
  - 1. Retain his or her accounts with the Kentucky Employees Retirement System or the County Employees Retirement System and have those accounts credited with interest in accordance with KRS 61.510 to 61.705 and 78.510 to 78.852;
  - 2. Retain his or her vested rights in accordance with paragraph (a) of this subsection; and
  - 3. Be eligible to take a refund of his or her accumulated account balance in accordance with KRS 61.625 or any other available distribution if eligible;
- (6) (a) Kentucky Employees Retirement System employers who are county attorney offices, Commonwealth's attorney offices, local and district health departments governed by KRS Chapter 212, master commissioners, executive branch agencies whose employees are subject to KRS 18A.005 to 18A.200, state-administered retirement systems, state-supported universities and community colleges, property valuation administration offices, or employers in the legislative or judicial branch of Kentucky state government, shall not be eligible to voluntarily discontinue participation in the Kentucky Employees Retirement System, except that:
  - 1. Any employer who is a nonstock nonprofit corporation organized under KRS Chapter 273 may voluntarily cease participation; and
  - 2. Local and district health departments governed by KRS Chapter 212, state-supported universities and community colleges, and the Kentucky Higher Education Student Loan Corporation may voluntarily cease participation in the Kentucky Employees Retirement System solely under the provisions and requirements of subsection (8) of this section.
- (b) Only the employers in the County Employees Retirement System who are a nonstock nonprofit corporation organized under KRS Chapter 273 may voluntarily cease participation in the County Employees Retirement System;
- (7) For purposes of this section, the full actuarial cost shall be determined by the Kentucky Retirement Systems' consulting actuary separately for the pension fund and the insurance fund using the assumptions and methodology established by the system specifically for determining the full actuarial cost of ceasing participation as of the employer's effective cessation date. For purposes of determining the full actuarial cost, the assumed rate of return used to calculate the cost shall be the lesser of the assumed rate of return utilized in the system's most recent actuarial valuation or the yield on a thirty (30) year United States treasury bond as of the employer's effective cessation date, but shall in no case be lower than:
  - (a) Except as provided by paragraphs (b) to (e) of this subsection, the assumed rate of return utilized in the system's most recent actuarial valuation minus three and one-half percent (3.5%);
  - (b) Four and one-half percent (4.5%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by lump-sum payment by June 30, ~~2022~~~~2021~~, and who do not make an election for their employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)3. of this section;
  - (c) Three and one-half percent (3.5%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by lump-sum payment by June 30, ~~2022~~~~2021~~, and who do make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)2. of this section;

- (d) Three and one-half percent (3.5%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by installment payments and who do not make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)3. of this section; or
  - (e) Three percent (3%) for those Kentucky Employees Retirement System employers who voluntarily cease participation under the provisions of subsection (8) of this section who pay the costs of ceasing participation by installment payments and who do make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by subsection (8)(d)2. of this section;
- (8) Notwithstanding the provisions of this section, any Kentucky Employees Retirement System employer who is eligible to voluntarily cease participating as provided by subsection (6) of this section may, on or after April 1, 2020, but prior to May 1, ~~2021~~~~{2020}~~, ***except in the case of university or community college employers it shall be prior to January 1, 2021,*** elect to voluntarily cease participating in the systems for its nonhazardous employees by submitting a resolution in accordance with subsection (3)(a)1. of this section. If an employer makes an election to voluntarily cease participation by submitting a resolution as provided by this subsection:
- (a) The board shall accept any election to cease participation on or before June 30, ~~2021~~~~{2020}~~, and the employer's effective cessation date shall be June 30, ~~2021~~~~{2020}~~. Prior to May 1, ~~2021~~~~{2020}~~, ***or January 1, 2021, in the case of university or community college employers, the***~~[-an]~~ employer may rescind a previously submitted election to cease participation;
  - (b) Nonhazardous employees hired on or after the employer's effective cessation date by an employer who has ceased participation in the system as provided by this section shall not, regardless of his or her membership date in the systems administered by Kentucky Retirement Systems, be eligible to participate in the Kentucky Employees Retirement System through the employer that ceased participation for the duration of his or her employment with that ceasing employer;
  - (c) Nonhazardous employees hired prior to the employer's effective cessation date, who began participating in the systems administered by Kentucky Retirement Systems on or after January 1, 2014, and who are participating in the hybrid cash balance plan as provided by KRS 61.597, shall continue to contribute and earn service credit in the systems through the employer's effective cessation date. After the employer's effective cessation date, the employee shall participate in the alternative retirement plan established by the employer as provided by subsection (3)(a)4. of this section. A nonhazardous employee covered by this paragraph who elects to transfer his or her account balance within sixty (60) days of the employer's effective cessation date as provided by subsection (3)(a)5. of this section, shall, notwithstanding KRS 61.597, receive a transfer of the employee's accumulated account balance, including the entire accumulated employer credit, regardless of the employee's years of service credit;
  - (d)
    1. The employer shall, in the resolution submitted in accordance with subsection (3)(a)1. of this section, make an election as to whether or not nonhazardous employees hired prior to the employer's effective cessation date, who began participating in the systems administered by Kentucky Retirement Systems prior to January 1, 2014, who are participating in the systems administered by Kentucky Retirement Systems through the employer, will continue to participate in the system after the employer's effective cessation date.
    2. If the employer makes an election for the employees described by this paragraph to continue participating in the system after the employer's effective cessation date, these employees will continue to contribute and earn service credit in the systems for as long as they remain employed by the employer in a regular full-time position that is eligible to participate in the systems, except in the event the employer fails to make installment payments as provided by KRS 61.675(4). Any costs for the present value of future normal costs of the employees covered by this subparagraph who will contribute and earn service in the system after the employer's effective cessation date shall be included in the cost calculation established by subsection (7) of this section.
    3. If the employer does not make an election for the employees described by this paragraph to continue participating in the system after the employer's effective cessation date, these employees shall continue to contribute and earn service credit in the systems through the employer's effective cessation date. After the employer's effective cessation date, these

employees shall participate in the alternative retirement plan established by the employer as provided by subsection (3)(a)4. of this section;

- (e) The cost of ceasing participating to an individual employer shall be equal to the cost determined under subsection (7) of this section and shall include the costs of those employees who continue to participate in the system as provided by paragraph (d)2. of this subsection;
- (f) The employer may pay the full actuarial cost of ceasing participation by lump-sum payment or in installments as provided by paragraph (g) of this subsection;
- (g) If the employer elects to pay the costs in installment payments, the cost of ceasing participation as provided by this subsection shall be financed by the systems using the following method:
  1. Annual payments occurring on or after July 1, ~~2021~~~~{2020}~~, shall be a set dollar value and shall be paid in monthly installments. In fiscal year ~~2021-2022~~~~{2020-2021}~~, the set dollar value shall be equal to the higher of the actual contributions paid by the employer in fiscal year ~~2020-2021~~~~{2019-2020}~~ or the annualized average of the creditable compensation reported to the systems by the ceasing employer over the last sixty (60) months occurring prior to July 1, 2019, for which contributions were paid by the ceasing employer, and multiplied by an employer rate of forty-nine and forty-seven one-hundredths percent (49.47%). Annual payments, for fiscal years occurring on or after July 1, ~~2022~~~~{2021}~~, which shall be paid monthly, shall be increased by one and one-half percent (1.5%) annually and shall be paid until the cost as provided by subsection (7) of this section and as adjusted annually by subparagraphs 2. and 3. of this paragraph are paid in full or until an employer as described by subparagraph 4. of this paragraph has paid for thirty (30) years from the effective cessation date;
  2. Interest shall be assigned to the principal amount annually beginning on July 1, ~~2021~~~~{2020}~~, and for each July 1 thereafter, that is equal to a rate of five and one-quarter percent (5.25%) per annum for pension costs and at a rate of six and one-quarter percent (6.25%) per annum for retiree health costs;
  3. If an employer is not projected by the systems to pay off the full actuarial costs to cease participation with interest as provided by subparagraph 2. of this paragraph at the conclusion of the thirty (30) year installment period from the employer's effective cessation date, and the employer makes an election for employees to continue to participate in the system after the employer's effective cessation date as provided by paragraph (d)2. of this subsection, then the systems shall adjust the base value for the first annual payments occurring on or after July 1, ~~2021~~~~{2020}~~, in order to keep the maximum period of installments to thirty (30) years; and
  4. If an employer is not projected by the systems to pay off the full actuarial costs to cease participation with interest as provided by subparagraph 2. of this paragraph at the conclusion of the thirty (30) year installment period from the employer's effective cessation date, and the employer does not make an election for employees to continue to participate in the system after the employer's effective cessation date as provided by paragraph (d)3. of this subsection, the employer shall pay the amount determined by subparagraph 1. of this paragraph for thirty (30) years from the effective cessation date and no additional costs shall be billed to a ceasing employer after the conclusion of the thirty (30) year period nor shall the employer be subject to adjustments under subparagraph 3. of this paragraph. The system may request in future biennial executive branch budgets the additional funding needed on an annual basis to fully pay off the installments at the conclusion of the thirty (30) year period for the employers described by this paragraph, and it is the intent of the General Assembly to pay the additional funding needed by appropriation in the biennial executive branch budget.

An employer ceasing participation who is making installment payments as provided by this paragraph may at any time pay off a portion of the remaining balance or the entire remaining balance and shall not be charged any interest for periods beyond the pay-off date for the balance that is paid off;

- (h) Kentucky Employees Retirement System employers eligible to cease participation under the provisions of this subsection who do not make an election to cease participation in the system prior to May 1, ~~2021~~~~{2020}~~, **or prior to January 1, 2021, in the case of university and community college employers,** shall be required to pay the full actuarially determined contributions established by KRS 61.565 and 61.702 for fiscal years occurring on or after July 1, ~~2021~~~~{2020}~~; and

- (i) Kentucky Employees Retirement System employers who elect to cease participation in the system as provided by this subsection who are currently receiving a distribution of general fund appropriations in the biennial executive branch budget under the provisions of 2018 Ky. Acts ch. 169, Part I, G., 4., (5), 2018 Ky. Acts ch. 169, Part I, G., 5., (2), or 2018 Ky. Acts ch. 169, Part I, G., 9., (2) to help pay employer contributions to the system shall continue to receive the same level of distribution of general fund appropriations to help pay the costs of ceasing participation until such time that the employer's full actuarial costs of ceasing participation are paid off;
- (9) The Kentucky Retirement Systems shall promulgate administrative regulations pursuant to KRS Chapter 13A to administer this section;
- (10) (a) Any employer who voluntarily ceases participation, or who is required to involuntarily cease participation as provided in this section, shall hold the Commonwealth and the Kentucky Retirement Systems, including board members and employees of the Kentucky Retirement Systems, harmless from damages, attorney's fees and costs from legal claims for any cause of action brought by any member or retired member of the departing employer related to the employer's cessation of participation as set forth in this section.
- (b) Any employer who is voluntarily ceasing participation under the provisions of subsection (8) of this section shall be required to pledge any security in any relevant real estate, chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letters of credit rights, and money to the costs of ceasing participation until all costs of ceasing participation are paid in full; and
- (11) Notwithstanding any other provision of statute to the contrary, the provisions of KRS 61.510 to 61.705 and 78.510 to 78.852, and the administrative regulations promulgated thereunder, shall prevail regarding any question of participation in the systems of any employer or any employee of an employer who ceases participation in the Kentucky Employees Retirement System.

➔Section 4. The Kentucky Retirement Systems board of trustees shall amend the 2019 actuarial valuation for the Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System in accordance with the provisions of Section 1 of this Act and shall provide the information to the Governor and General Assembly for purposes of the 2020-2022 biennial budgeting process.

➔Section 5. The amendments to Section 3 of this Act shall be retroactive back to April 1, 2020.

➔Section 6. Notwithstanding Section 1 of this Act and KRS 61.702, the employer contribution rates for the County Employees Retirement System from July 1, 2020, through June 30, 2021, shall remain 24.06 percent, consisting of 19.30 percent for pension and 4.76 percent for health insurance, for nonhazardous duty employees and 39.58 percent, consisting of 30.06 percent for pension and 9.52 percent for health insurance, for hazardous duty employees. Any future increases in the County Employees Retirement System after June 30, 2021, as provided by subsection (5) of Section 1 of this Act, shall use the employer contribution rate established by this section for County Employees Retirement System employers as the base rate to calculate future increases in County Employees Retirement System employer contribution rates.

➔Section 7. Notwithstanding KRS 6.350, 6.945, or 6.955, the provisions of KRS 6.350, 6.945, or 6.955 shall not affect or impair the validity of any provision of this Act in a court of competent jurisdiction.

➔Section 8. Whereas ensuring the financial health of the Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System employers is imperative, 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, 2020.**

## **CHAPTER 83**

**( HJR 66 )**

A JOINT RESOLUTION relating to road projects.

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

➔Section 1. This Joint Resolution in conjunction with 2020 Regular Session HB 354 shall constitute the Six-Year Road Plan. The last four years of the Six-Year Road Plan are as follows:

**Signed by Governor April 13, 2020.**

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Adair	4325	KY-1702	INSTALL GUARDRAIL ON KY-1702 IN ADAIR COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				58,000
			Project Cost:			0	0	0	58,000
Total for Adair county				PL					
				DN					
				RW					
				UT					
				CN					58,000
			Total Amounts:			0	0	0	58,000
Allen	320	KY-100	IMPROVEMENTS TO KY 100: CURVE, BRIDGE, AND INTERSECTION IMPROVEMENTS FROM NEAR THE STONY POINT ROAD INTERSECTION TO EAST OF THE ALONZO LONG HOLLOW ROAD INTERSECTION (12CCR)(18CCN)	PL					
				DN					
				RW	SPP	1,970,000			
				UT	SPP		1,410,000		
				CN	SPP				13,630,000
			Project Cost:			1,970,000	1,410,000	0	13,630,000
Allen	4309	KY-1578	INSTALL GUARDRAIL ON KY-1578 IN ALLEN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		79,000		
			Project Cost:			0	79,000	0	0
Allen	4310	KY-1533	INSTALL GUARDRAIL ON KY-1533 IN ALLEN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		43,000		
			Project Cost:			0	43,000	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
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) (18CCN)	PL					
				DN	FED	260,000			
				RW	FED		310,000		
				UT	FED			330,000	
				CN	FED				450,000
				Project Cost:		260,000	310,000	330,000	450,000
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					
				CN	SPP	1,300,000			
				Project Cost:		1,300,000	0	0	0
Total for ALLEN county				PL					
				DN		260,000			
				RW		1,970,000	310,000		
				UT			1,410,000	330,000	
				CN		1,300,000	122,000		14,080,000
				Total Amounts:		3,530,000	1,842,000	330,000	14,080,000
ANDERSON	806	KY-151	RECONSTRUCT KY 151 FROM US 127 AT LAWRENCEBURG TO I-64 IN FRANKLIN COUNTY.	PL					
				DN	SPP	1,750,000			
				RW	SPP		5,000,000		
				UT	SPP			5,000,000	
				CN	SPP				20,000,000
				Project Cost:		1,750,000	5,000,000	5,000,000	20,000,000
Anderson	80001	US-62	IMPROVE US-62 (VERSAILLES RD.) FROM HILLTOP DR. TO WEST END OF BRIDGE OVER KENTUCKY RIVER AT TYRONE(18CCN)	PL					
				DN					
				RW	FED	3,830,000			
				UT	FED	4,500,000			
				CN	FED		13,750,000		
				Project Cost:		8,330,000	13,750,000	0	0

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County	Item No.	Route	Description	Phase	Fund	FY 2023	FY 2024	FY 2025	FY 2026
Total for Anderson county				PL					
				DN		1,750,000			
				RW		3,830,000	5,000,000		
				UT		4,500,000		5,000,000	
				CN			13,750,000		20,000,000
				Total Amounts:		10,080,000	18,750,000	5,000,000	20,000,000
Ballard	118	US-60	IMPROVE US-60 FROM PROPOSED SOUTHERN BYPASS OF LA CENTER TO EAST OF DENIS JONES ROAD. (02CCR)	PL					
				DN					
				RW	FED	2,760,000			
				UT	FED		11,250,000		
				CN					
				Project Cost:		2,760,000	11,250,000	0	0
Ballard	1140.0002	US-51	US-51 OHIO RIVER BRIDGE REPLACEMENT STUDY.	PL					
				DN					
				RW					
				UT					
				CN	BR				20,000,000
				Project Cost:		0	0	0	20,000,000
Total for Ballard county				PL					
				DN					
				RW		2,760,000			
				UT			11,250,000		
				CN				20,000,000	
				Total Amounts:		2,760,000	11,250,000	0	20,000,000
Barren	108.5001	KY-90	PRIORITY SECTION 3: IMPROVE 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	FED	6,000,000			
				Project Cost:		6,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
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	11,820,000			
			Project Cost:			11,820,000	0	0	0
Barren	8821.0001	KY-1297	IMPROVE KY-1297 FROM CR-1366 (DONNELLY DRIVE) TO US-31E (ROGER WELLS), AND IMPROVE CR-1366 (DONNELLY DRIVE) FROM KY-1297 TO US-68 IN GLASGOW. (14CCN) (16CCN)	PL DN RW UT CN	FED FED FED	3,220,000 2,680,000			10,660,000
			Project Cost:			5,900,000	0	0	10,660,000
Barren	20005	LN-9008	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 9.375 TO MILEPOINT 14.85	PL DN RW UT CN	PM PM	440,000 2,200,000			
			Project Cost:			2,640,000	0	0	0
Barren	20005.0001	LN-9008	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 9.375 TO MILEPOINT 14.85	PL DN RW UT CN	PM		2,200,000		
			Project Cost:			0	2,200,000	0	0
Barren	20006	US-68	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL DN RW UT CN	PM PM			400,000	4,000,000
			Project Cost:			0	0	400,000	4,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Barren	80002	LN-9008	NEW INTERCHANGE ON THE LOUIE NUNN CUMBERLAND PARKWAY AT KY-249 IN GLASGOW(18CCN)	PL					
				DN	SPP	1,630,000			
				RW	SPP		2,320,000		
				UT	SPP			850,000	
				CN					
				Project Cost:		1,630,000	2,320,000	850,000	0
BARREN	80150	KY-9008	UPGRADE THE LOUIE B. NUNN CUMBERLAND PARKWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH THE I 65 SPUR ROUTE BETWEEN I 65 AND SOMERSET	PL	SPP	500,000			
				DN					
				RW					
				UT					
				CN					
				Project Cost:		500,000	0	0	0
Total for BARREN county				PL		500,000			
				DN		2,070,000		400,000	
				RW		3,220,000	2,320,000		
				UT		2,680,000		850,000	
				CN		20,020,000	2,200,000		14,660,000
				Total Amounts:		28,490,000	4,520,000	1,250,000	14,660,000
Bath	4327	US-60	INSTALL GUARDRAIL ON US-60 IN BATH COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				46,000
				Project Cost:		0	0	0	46,000
Total for Bath county				PL					
				DN					
				RW					
				UT					
				CN					46,000
				Total Amounts:		0	0	0	46,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Bell	167	KY-74	ENHANCING CUMBERLAND AVENUE FROM US 25E TO 18TH STREET WITH STREET IMPROVEMENTS FOR VEHICLE AND PEDESTRIANS, AS WELL AS STORM WATER MANAGEMENT TO IMPROVE SAFETY,	PL DN RW UT CN	FED		990,000		
Project Cost:						0	990,000	0	0
Bell	167.0001	KY-74	ENHANCING CUMBERLAND AVENUE FROM US 25E TO 18TH STREET WITH STREET IMPROVEMENTS FOR VEHICLE AND PEDESTRIANS, AS WELL AS STORM WATER MANAGEMENT TO IMPROVE SAFETY,	PL DN RW UT CN	FED FED			990,000	580,000
Project Cost:						0	0	990,000	580,000
Bell	4342	KY-188	INSTALL GUARDRAIL ON KY-188 IN BELL COUNTY	PL DN RW UT CN	GR	23,000			
Project Cost:						23,000	0	0	0
Bell	4349	KY-1491	INSTALL GUARDRAIL ON KY-1491 IN BELL COUNTY	PL DN RW UT CN	GR		11,000		
Project Cost:						0	11,000	0	0
Bell	4350	KY-188	INSTALL GUARDRAIL ON KY-188 IN BELL COUNTY	PL DN RW UT CN	GR		16,000		
Project Cost:						0	16,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Bell	4351	KY-188	INSTALL GUARDRAIL ON KY-188 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		37,000		
			Project Cost:			0	37,000	0	0
Bell	4365	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		47,000		
			Project Cost:			0	47,000	0	0
Bell	4366	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		84,000		
			Project Cost:			0	84,000	0	0
Bell	4393	KY-1491	INSTALL GUARDRAIL ON KY-1491 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			17,000	
			Project Cost:			0	0	17,000	0
Bell	4394	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			41,000	
			Project Cost:			0	0	41,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Bell	4395	KY-2011	INSTALL GUARDRAIL ON KY-2011 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			68,000	
			Project Cost:			0	0	68,000	0
Bell	4396	KY-66	INSTALL GUARDRAIL ON KY-66 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			84,000	
			Project Cost:			0	0	84,000	0
Bell	4397	KY-66	INSTALL GUARDRAIL ON KY-66 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			98,000	
			Project Cost:			0	0	98,000	0
Bell	4398	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			86,000	
			Project Cost:			0	0	86,000	0
Bell	4399	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			53,000	
			Project Cost:			0	0	53,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Bell	4400	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			53,000	
			Project Cost:			0	0	53,000	0
Bell	4401	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			80,000	
			Project Cost:			0	0	80,000	0
Bell	4416	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				33,000
			Project Cost:			0	0	0	33,000
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	4,480,000			
			Project Cost:			4,480,000	0	0	0
Bell	80050	CO-0	CONSTRUCT A NEW ROADWAY ON PAGE SPUR RD.(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,800,000			
			Project Cost:			2,800,000	0	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Bell county				PL					
				DN			990,000	990,000	
				RW					580,000
				UT					
				CN		7,303,000	195,000	580,000	33,000
			Total Amounts:			7,303,000	1,185,000	1,570,000	613,000
Boone	79	I-75	IMPROVE SAFETY, MOBILITY, OPERATIONS, AND GEOMETRICS AT THE JUNCTION OF I-75 AND I-275 AND THE SYSTEM-TO-SYSTEM RAMPS.	PL					
				DN	FED			10,000,000	
				RW					
				UT					
				CN					
			Project Cost:			0	0	10,000,000	0
Boone	400.1503	CO-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK	414,000			
			Project Cost:			414,000	0	0	0
Boone	400.1504	CO-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK		414,000		
			Project Cost:			0	414,000	0	0
Boone	400.1505	CO-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL					
				DN					
				RW					
				UT					
				CN	SNK			414,000	
			Project Cost:			0	0	414,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Boone	400.1506	CO-0	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK				414,000
			Project Cost:			0	0	0	414,000
Boone	401.1503	CO-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	280,000			
			Project Cost:			280,000	0	0	0
Boone	401.1504	CO-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK		280,000		
			Project Cost:			0	280,000	0	0
Boone	401.1505	CO-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK			280,000	
			Project Cost:			0	0	280,000	0
Boone	401.1506	CO-0	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK				280,000
			Project Cost:			0	0	0	280,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Boone	401.2003	CO-0	N KY PLANNING FY 2020 AIR QUALITY, FIAM, LAND USE, RIDESHARE.	PL DN RW UT CN	SNK	150,000			
			Project Cost:			150,000	0	0	0
Boone	401.2004	CO-0	N KY PLANNING FY 2020 AIR QUALITY, FIAM, LAND USE, RIDESHARE.	PL DN RW UT CN	SNK		150,000		
			Project Cost:			0	150,000	0	0
Boone	401.2005	CO-0	N KY PLANNING FY 2020 AIR QUALITY, FIAM, LAND USE, RIDESHARE.	PL DN RW UT CN	SNK			150,000	
			Project Cost:			0	0	150,000	0
Boone	401.2006	CO-0	N KY PLANNING FY 2020 AIR QUALITY, FIAM, LAND USE, RIDESHARE.	PL DN RW UT CN	SNK				150,000
			Project Cost:			0	0	0	150,000
Boone	966.0803	CO-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	9,486,000			
			Project Cost:			9,486,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Boone	966.0804	CO-0	DEDICATED FEDERAL-AID STP FUNDS	PL					
			EARMARKED FOR NKY URBANIZED AREA AND	DN					
			SUBJECT TO MPO CONTROL FOR FY 2020.	RW					
			(FUNDING SUBJECT TO FISCAL CONSTRAINT	UT					
			PENDING MPO TIP)	CN	SNK		9,486,000		
			Project Cost:			0	9,486,000	0	0
Boone	966.0805	CO-0	DEDICATED FEDERAL-AID STP FUNDS	PL					
			EARMARKED FOR NKY URBANIZED AREA AND	DN					
			SUBJECT TO MPO CONTROL FOR FY 2020.	RW					
			(FUNDING SUBJECT TO FISCAL CONSTRAINT	UT					
			PENDING MPO TIP)	CN	SNK			9,486,000	
			Project Cost:			0	0	9,486,000	0
Boone	966.0806	CO-0	DEDICATED FEDERAL-AID STP FUNDS	PL					
			EARMARKED FOR NKY URBANIZED AREA AND	DN					
			SUBJECT TO MPO CONTROL FOR FY 2020.	RW					
			(FUNDING SUBJECT TO FISCAL CONSTRAINT	UT					
			PENDING MPO TIP)	CN	SNK				9,486,000
			Project Cost:			0	0	0	9,486,000
BOONE	1087	KY-842	ADDRESS DEFICIENCIES OF BRIDGE OVER NS	PL					
			(CNO&TP)RR ON RICHARDSON ROAD (KY 842)	DN					
			0.14 MI E OF US 25 NEAR INDEPENDENCE	RW					
			(008B00092N)	UT					
				CN	BR	4,000,000			
			Project Cost:			4,000,000	0	0	0
Boone	4318	KY-338	INSTALL GUARDRAIL ON KY-338 IN BOONE	PL					
			COUNTY	DN					
				RW					
				UT					
				CN	GR				6,000
			Project Cost:			0	0	0	6,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Boone	20001	I-71	ADDRESS PAVEMENT CONDITION OF I-71 BOTH DIRECTION(S) FROM MILEPOINT 69.89 TO MILEPOINT 77.724.	PL DN RW UT CN	PM	3,000,000			
			Project Cost:			3,000,000	0	0	0
Boone	20001.0001	I-71	ADDRESS PAVEMENT CONDITION OF I-71 BOTH DIRECTION(S) FROM MILEPOINT 69.89 TO MILEPOINT 77.724.	PL DN RW UT CN	PM		3,500,000		
			Project Cost:			0	3,500,000	0	0
Boone	20006	I-275	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 1.58 TO MILEPOINT 7.25	PL DN RW UT CN	PM	4,000,000			
			Project Cost:			4,000,000	0	0	0
Boone	20006.0001	I-275	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 1.58 TO MILEPOINT 7.25	PL DN RW UT CN	PM		4,500,000		
			Project Cost:			0	4,500,000	0	0
Boone	20007	I-275	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 7.25 TO MILEPOINT 13.08 (13.56 NON-CARDINAL)	PL DN RW UT CN	PM		650,000		
			Project Cost:			0	650,000	3,500,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Boone	20007.0001	I-275	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 7.25 TO MILEPOINT 13.08 (13.56 NON-CARDINAL)	PL DN RW UT CN	PM				3,000,000
			Project Cost:			0	0	0	3,000,000
Boone	20047	US-42	ADDRESS PAVEMENT CONDITION ON US-42 FROM MILEPOINT 8.71 TO MILEPOINT 11.63	PL DN RW UT CN	PM			700,000	
			Project Cost:			0	0	700,000	0
BOONE	80101	KY-18	CONVERT KY 18 (BURLINGTON PIKE) TO A SUPER STREET	PL DN RW UT CN	SPP	12,840,000			
			Project Cost:			12,840,000	0	0	0
BOONE	80102	KY-3060	ADDRESS SAFETY AND CONGESTION ON KY 3060 (FROGTOWN RD.) AND WIDEN TO 4 LANES	PL DN RW UT CN	SPP SPP SPP	13,000,000	2,000,000	20,000,000	
			Project Cost:			13,000,000	2,000,000	20,000,000	0
BOONE	80150	KY-3155	IMPROVE MUTLI-MODAL MOBILITY IMMEDIATELY EAST OF CVG AIRPORT VIA A NEW CONNECTION AT KY 717 (TURFWAY RD), KY 3076 (MINEOLA PK), AND EXTEND KY-236 (DONALDSON HWY) TO S. AIRFIELD RD (PR 1012)	PL DN RW UT CN	FED FED FED	3,600,000 250,000	22,000,000		
			Project Cost:			3,850,000	22,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for BOONE county				PL		150,000	150,000	150,000	150,000
				DN			650,000	10,000,000	
				RW		16,600,000			
				UT		250,000	2,000,000		
				CN		34,020,000	40,180,000	34,380,000	13,186,000
			Total Amounts:			51,020,000	42,980,000	44,530,000	13,336,000
BOURBON	80155	KY-537	REHABILITATION OF CANE RIDGE ROAD (KY	PL					
			537) TO ACCOMMODATE NEW 8 FOOT	DN	SPP	925,000			
			SHOULDERS FROM THE INTERSECTION WITH 460	RW			2,735,000		
			TO THE ENTRANCE PAST COLOR POINT	UT	SPP				4,095,000
				CN	SPP				9,490,000
			Project Cost:			925,000	2,735,000	0	13,585,000
Total for BOURBON county				PL					
				DN		925,000			
				RW			2,735,000		
				UT					4,095,000
				CN					9,490,000
			Total Amounts:			925,000	2,735,000	0	13,585,000
Boyd	125	KY-168	IMPROVE SAFETY AND OPERATIONAL	PL	FED				520,000
			EFFICIENCY OF KY 168 (BLACKBURN	DN					
			AVE/WHEATLEY RD) FROM MILEPOINT 5.8 (US	RW					
			60) TO MILEPOINT 7.4 (HOODS CREEK ROAD).	UT					
				CN					
			Project Cost:			0	0	0	520,000
Boyd	180	KY-716	IMPROVE SAFETY AND DECREASE CONGESTION	PL	FED	132,000			
			ON KY 716 FROM MP 0.0 (US 60) TO MP 0.56	DN					
			(KY 3293)	RW					
				UT					
				CN					
			Project Cost:			132,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Boyd	208.0603	CO-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	1,782,000			
				Project Cost:		1,782,000	0	0	0
Boyd	208.0604	CO-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		1,782,000		
				Project Cost:		0	1,782,000	0	0
Boyd	208.0605	CO-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			1,782,000	
				Project Cost:		0	0	1,782,000	0
Boyd	208.0606	CO-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				1,782,000
				Project Cost:		0	0	0	1,782,000
Boyd	4310	KY-5	INSTALL GUARDRAIL ON KY-5 IN BOYD COUNTY	PL DN RW UT CN	GR	31,000			
				Project Cost:		31,000	0	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Boyd	4328	KY-3294	INSTALL GUARDRAIL ON KY-3294 IN BOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				52,000
			Project Cost:			0	0	0	52,000
Total for Boyd county				PL		132,000			520,000
				DN					
				RW					
				UT					
				CN		1,813,000	1,782,000	1,782,000	1,834,000
			Total Amounts:			1,945,000	1,782,000	1,782,000	2,354,000
Boyle	4309	KY-37	INSTALL GUARDRAIL ON KY-37 IN BOYLE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	15,000			
			Project Cost:			15,000	0	0	0
Total for Boyle county				PL					
				DN					
				RW					
				UT					
				CN		15,000			
			Total Amounts:			15,000	0	0	0
Bracken	355.2202	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	232,200			
			Project Cost:			232,200	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Bracken	355.2203	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		232,200		
			Project Cost:			0	232,200	0	0
Bracken	355.2204	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			232,200	
			Project Cost:			0	0	232,200	0
Bracken	355.2205	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				232,200
			Project Cost:			0	0	0	232,200
BRACKEN	80103	KY-8	RECONSTRUCT KY 8 FROM WRANGLING RUN RD TO OLD KY 19.	PL					
				DN	SPP	4,056,000			
				RW	SPP		4,862,000		
				UT	SPP			2,925,000	
				CN	SPP				31,633,000
			Project Cost:			4,056,000	4,862,000	2,925,000	31,633,000
Total for BRACKEN county				PL					
				DN		4,056,000			
				RW			4,862,000		
				UT				2,925,000	
				CN		232,200	232,200	232,200	31,865,200
			Total Amounts:			4,288,200	5,094,200	3,157,200	31,865,200

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Breathitt	375	KY-205	IMPROVE KY-205 FROM NORTH OF KY-1812 TO SOUTH OF PEGGS FORK RD.	PL					
				DN					
				RW	FED	2,900,000			
				UT	FED		1,470,000		
				CN	FED			11,390,000	
			Project Cost:			2,900,000	1,470,000	11,390,000	0
Breathitt	376	KY-15	IMPROVE KY-15 FROM THE INTERSECTION OF NEW KY-15/30 TO INTERSECTION OF KY-1812.	PL					
				DN					
				RW					
				UT	FED	1,390,000			
				CN	FED		19,130,000		
			Project Cost:			1,390,000	19,130,000	0	0
Breathitt	4309	KY-28	INSTALL GUARDRAIL ON KY-28 IN BREATHITT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	72,000			
			Project Cost:			72,000	0	0	0
Breathitt	4313	KY-30	INSTALL GUARDRAIL ON KY-30 IN BREATHITT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			51,000	
			Project Cost:			0	0	51,000	0
Breathitt	4314	KY-30	INSTALL GUARDRAIL ON KY-30 IN BREATHITT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			13,000	
			Project Cost:			0	0	13,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
BREATHITT	80106	KY-15	IMPROVE INTERSECTION OF KY 15 AND THORPE RD AT MP 8.837	PL					
				DN	SPP	150,000			
				RW	SPP		200,000		
				UT	SPP			100,000	
				CN	SPP				550,000
			Project Cost:			150,000	200,000	100,000	550,000
BREATHITT	80107	CR-1125	REPLACE BRIDGE OVER PUNCHEON CREEK ON MAX ROARK RD	PL					
				DN					
				RW	SPP		5,000		
				UT	SPP			5,000	
				CN	SPP				150,000
			Project Cost:			0	5,000	5,000	150,000
Total for BREATHITT county				PL					
				DN		150,000			
				RW		2,900,000	205,000		
				UT		1,390,000	1,470,000	105,000	
				CN		72,000	19,130,000	11,454,000	700,000
			Total Amounts:			4,512,000	20,805,000	11,559,000	700,000
Breckinridge	159	KY-86	REALIGN KY 86 FROM JESSIE PRIEST ROAD TO EAST OF ROSETTA CORNERS.	PL					
				DN					
				RW	FED	1,000,000			
				UT	FED	1,000,000			
				CN	FED			4,000,000	
			Project Cost:			2,000,000	0	4,000,000	0
Breckinridge	4315	KY-259	INSTALL GUARDRAIL ON KY-259 IN BRECKINRIDGE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		13,000		
			Project Cost:			0	13,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
BRECKINRIDGE	8703	KY-79	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 79 FROM KY 477 TO KY 428.(12CCN)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,750,000			
			Project Cost:			1,750,000	0	0	0
Breckinridge	8902	KY-261	REPLACE LOW WATER STRUCTURE ON KY 261 AT MP 15.74. (18CCN)	PL					
				DN	SPP	100,000			
				RW	SPP		25,000		
				UT	SPP		25,000		
				CN	SPP			400,000	
			Project Cost:			100,000	50,000	400,000	0
Breckinridge	8904	KY-992	MINOR WIDENING OF KY 992 BETWEEN ROCK QUARRY AND US 60. (16CCN) (18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	580,000			
			Project Cost:			580,000	0	0	0
Breckinridge	20026	US-60	ADDRESS PAVEMENT CONDITION ON US-60 FROM MILEPOINT 3.45 TO MILEPOINT 12.74	PL					
				DN					
				RW					
				UT					
				CN	PM			1,739,000	
			Project Cost:			0	0	1,739,000	0
Total for Breckinridge county				PL					
				DN		100,000			
				RW		1,000,000	25,000		
				UT		1,000,000	25,000		
				CN		2,330,000	13,000	6,139,000	
			Total Amounts:			4,430,000	63,000	6,139,000	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
BULLITT	43	KY-44	RECONSTRUCT KY 44 FROM KY 1319 KINGS CHURCH HIGHWAY TO SPENCER COUNTY LINE	PL					
				DN					
				RW	SPP	1,000,000			
				UT	SPP		850,000		
				CN	SPP			5,350,000	
			Project Cost:			1,000,000	850,000	5,350,000	0
BULLITT	347.5	KY-44	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM US31E BYPASS TO KY 1319 KINGS CHURCH HIGHWAY	PL					
				DN					
				RW	SPP	4,500,000			
				UT	SPP		1,700,000		
				CN	SPP			13,200,000	
			Project Cost:			4,500,000	1,700,000	13,200,000	0
Bullitt	4307	KY-1319	INSTALL GUARDRAIL ON KY-1319 IN BULLITT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		11,000		
			Project Cost:			0	11,000	0	0
Bullitt	4309	KY-1319	INSTALL GUARDRAIL ON KY-1319 IN BULLITT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			27,000	
			Project Cost:			0	0	27,000	0
BULLITT	80101	KY-1450	IMPROVE SAFETY AND REDUCE CONGESTION ON KY 1450 (BLUE LICK RD.) BETWEEN THE INTERSECTIONS WITH KY 1526 (JOHN HARPER HIGHWAY) AND CR 1512A (JEFFIE LANE)	PL					
				DN					
				RW	SPP	1,125,000			
				UT	SPP		2,300,000		
				CN	SPP			4,160,000	
			Project Cost:			1,125,000	2,300,000	4,160,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
BULLITT	80103	KY-44	RECONSTRUCT KY 44 FROM BOGARD LANE TO ARMSTRONG LANE	PL					
				DN					
				RW	SPP	4,700,000			
				UT	SPP		6,600,000		
				CN	SPP			14,600,000	
			Project Cost:			4,700,000	6,600,000	14,600,000	0
Total for BULLITT county				PL					
				DN					
				RW		11,325,000			
				UT			11,450,000		
				CN			11,000	37,337,000	
			Total Amounts:			11,325,000	11,461,000	37,337,000	0
Butler	125.1502	KY-269	OPERATION OF REED'S FERRY AT LOGANSPO RT FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	158,400			
			Project Cost:			158,400	0	0	0
Butler	125.1503	KY-269	OPERATION OF REED'S FERRY AT LOGANSPO RT FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		158,400		
			Project Cost:			0	158,400	0	0
Butler	125.1504	KY-269	OPERATION OF REED'S FERRY AT LOGANSPO RT FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			158,400	
			Project Cost:			0	0	158,400	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Butler	125.1505	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				158,400
			Project Cost:			0	0	0	158,400
Butler	8504.1002	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	158,400			
			Project Cost:			158,400	0	0	0
Butler	8504.1003	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		158,400		
			Project Cost:			0	158,400	0	0
Butler	8504.1004	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			158,400	
			Project Cost:			0	0	158,400	0
Butler	8504.1005	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				158,400
			Project Cost:			0	0	0	158,400



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Butler	20009	WN-9007	ADDRESS PAVEMENT CONDITION OF WILLIAM H. NATCHER PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 28.50 (26.42 NON-CARDINAL) TO MILEPOINT 34.72	PL DN RW UT CN	PM		675,000		
				Project Cost:		0	675,000	3,375,000	0
Butler	20009.0001	WN-9007	ADDRESS PAVEMENT CONDITION OF WILLIAM H. NATCHER PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 28.50 (26.42 NON-CARDINAL) TO MILEPOINT 34.72	PL DN RW UT CN	PM				3,375,000
				Project Cost:		0	0	0	3,375,000
Total for Butler county				PL DN RW UT CN			675,000		
				Total Amounts:		316,800	316,800	3,691,800	3,691,800
Caldwell	153	PF-9999	NEW CONNECTOR FROM HOPKINSVILLE ROAD (KY-91) TO WILSON WAREHOUSE ROAD (KY-293) NORTHEAST OF PRINCETON. (06CCR)(10CCR)(12CCR)(14CCR)(16CCR)(18CCN)	PL DN RW UT CN	FED FED FED	1,910,000	1,450,000	11,980,000	
				Project Cost:		1,910,000	1,450,000	11,980,000	0
Caldwell	4314	KY-139	INSTALL GUARDRAIL ON KY-139 IN CALDWELL COUNTY	PL DN RW UT CN	GR		50,000		
				Project Cost:		0	50,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Caldwell county				PL					
				DN					
				RW		1,910,000			
				UT			1,450,000		
				CN			50,000	11,980,000	
			Total Amounts:			1,910,000	1,500,000	11,980,000	0
CALLOWAY	8952	CS-1047	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121	PL					
				DN					
				RW					
				UT	SPP		2,170,000		
				CN	SPP				3,380,000
			Project Cost:			0	2,170,000	0	3,380,000
CALLOWAY	80100		PLANNING STUDY FOR SCENIC BYWAY ALONG KENTUCKY LAKE	PL	SPP	250,000			
				DN					
				RW					
				UT					
				CN					
			Project Cost:			250,000	0	0	0
Total for CALLOWAY county				PL		250,000			
				DN					
				RW					
				UT			2,170,000		
				CN					3,380,000
			Total Amounts:			250,000	2,170,000	0	3,380,000
Campbell	81	I-471	REDUCE CONGESTION ALONG THE I-471 CORRIDOR FROM US-27 TO OHIO STATE LINE.	PL	FED		1,500,000		
				DN					
				RW					
				UT					
				CN					
			Project Cost:			0	1,500,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
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 UT CN	SPP SPP SPP	15,000,000	10,000,000	40,000,000	
			Project Cost:			15,000,000	10,000,000	40,000,000	0
Campbell	4308	KY-547	INSTALL GUARDRAIL ON KY-547 IN CAMPBELL COUNTY	PL DN RW UT CN	GR	32,000			
			Project Cost:			32,000	0	0	0
CAMPBELL	8104	I-471	CONSTRUCT NEW I-471 SOUTHBOUND OFF-RAMP AT KY-8 (SEE ALSO 6-183.00). (02CCN)(06CCN)	PL DN RW UT CN	SPP SPP SPP	5,000,000	1,000,000	30,000,000	
			Project Cost:			5,000,000	1,000,000	30,000,000	0
CAMPBELL	8105.07	I-275	TRANSPORTATION IMPROVEMENTS TO AA I 275; CONSTRUCT A NEW CONNECTOR RD FROM THE KY 9 TO THE END OF NEW CONSTRUCTION JUST SOUTH OF JOHN'S HILL RD	PL DN RW UT CN	SPP SPP SPP	1,900,000		1,760,000	12,410,000
			Project Cost:			1,900,000	0	1,760,000	12,410,000
Campbell	20010	I-275	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 73.061 TO MILEPOINT 77.58	PL DN RW UT CN	PM PM			675,000	6,750,000
			Project Cost:			0	0	675,000	6,750,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Campbell	20011	I-471	ADDRESS PAVEMENT CONDITION OF I-471 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 4.75	PL DN RW UT CN	PM		575,000		
				Project Cost:		0	575,000	2,780,000	0
Campbell	20011.0001	I-471	ADDRESS PAVEMENT CONDITION OF I-471 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 4.75	PL DN RW UT CN	PM				3,000,000
				Project Cost:		0	0	0	3,000,000
Campbell	20012	KY-8	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT.	PL DN RW UT CN	PM	225,000			
				Project Cost:		2,250,000	0	0	0
Campbell	20013	KY-9	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT.	PL DN RW UT CN	PM		225,000		
				Project Cost:		0	225,000	2,250,000	0
Campbell	20014	KY-1892	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM		250,000		
				Project Cost:		0	250,000	2,500,000	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

509

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Campbell	20017	US-27	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL					
				DN	PM			75,000	
				RW					
				UT					
				CN	PM				750,000
			Project Cost:			0	0	75,000	750,000
Campbell	20049	KY-8	ADDRESS PAVEMENT CONDITION ON KY-8 FROM MILEPOINT 15.97 TO MILEPOINT 19.36	PL					
				DN					
				RW					
				UT					
				CN	PM			583,000	
			Project Cost:			0	0	583,000	0
Total for Campbell county				PL			1,500,000		
				DN		225,000	1,050,000	750,000	
				RW		21,900,000			
				UT			11,000,000	1,760,000	
				CN		2,282,000		78,113,000	22,910,000
			Total Amounts:			24,407,000	13,550,000	80,623,000	22,910,000
Carlisle	333	US-51	CORRECT GEOMETRIC DEFICIENCIES AT INTERSECTION OF US-51/US-62/FRONT ST/ELM ST IN BARDWELL TO ADDRESS FLOW, SAFETY, AND ACCESS ISSUES.(12CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	340,000			
			Project Cost:			340,000	0	0	0
Total for Carlisle county				PL					
				DN					
				RW					
				UT					
				CN		340,000			
			Total Amounts:			340,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Carroll	1084	US-42	ADDRESS DEFICIENCIES OF BRIDGE OVER KENTUCKY RIVER ON US 42 IN PRESTONSVILLE/CARROLLTON 0.13 MI E OF KY 55. (021B00043N)	PL DN RW UT CN	BR	1,218,000 476,000	10,000,000		
			Project Cost:			1,694,000	10,000,000	0	0
Carroll	1084.0001	US-42	ADDRESS DEFICIENCIES OF BRIDGE OVER KENTUCKY RIVER ON US 42 IN PRESTONSVILLE/CARROLLTON 0.13 MI E OF KY 55. (021B00043N)	PL DN RW UT CN	BR		10,871,000		
			Project Cost:			0	0	10,871,000	0
Carroll	20020	I-71	ADDRESS PAVEMENT CONDITION OF I-71 BOTH DIRECTION(S) FROM MILEPOINT 50.808 TO MILEPOINT 53.433.	PL DN RW UT CN	PM	275,000			
			Project Cost:			2,750,000	0	0	0
Total for Carroll county				PL DN RW UT CN		275,000 1,218,000 476,000 2,750,000	10,000,000	10,871,000	
			Total Amounts:			4,719,000	10,000,000	10,871,000	0
CARTER	144.1	KY-7	IMPROVE KY-7/KY-1 (CAROL MALONE BLVD.) FROM LITTLE SANDY RIVER BRIDGE TO ACADEMIC PARKWAY. (08CCR)(12CCR)(16CCR)	PL DN RW UT CN	FED	3,500,000			
			Project Cost:			3,500,000	0	0	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

511

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Carter	397	KY-67	SAFETY, SPOT IMPROVEMENTS AND CONGESTION MITIGATION FOR INDUSTRIAL PARKWAY (KY 67) IN CARTER, BOYD, AND GREENUP COUNTIES FOR BRAIDY INDUSTRIES ALUMINUM PLANT DEVELOPMENT.	PL DN RW UT CN	FED  FED FED	2,500,000	2,500,000	2,000,000	
			Project Cost:			2,500,000	2,500,000	2,000,000	0
Carter	397.0001	KY-67	SAFETY, SPOT IMPROVEMENTS AND CONGESTION MITIGATION FOR INDUSTRIAL PARKWAY (KY 67) IN CARTER, BOYD, AND GREENUP COUNTIES FOR BRAIDY INDUSTRIES ALUMINUM PLANT DEVELOPMENT.	PL DN RW UT CN	    FED				5,000,000
			Project Cost:			0	0	0	5,000,000
Carter	4313	KY-1947	INSTALL GUARDRAIL ON KY-1947 IN CARTER COUNTY	PL DN RW UT CN	    GR	28,000			
			Project Cost:			28,000	0	0	0
Carter	4323	KY-182	INSTALL GUARDRAIL ON KY-182 IN CARTER COUNTY	PL DN RW UT CN	    GR			54,000	
			Project Cost:			0	0	54,000	0
Carter	8311	KY-1	IMPROVE SAFETY AT THE EAST CARTER HIGH SCHOOL. (06CCN)(08CCR)(12CCR)	PL DN RW UT CN	    FED	1,860,000			
			Project Cost:			1,860,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2023	FY 2024	FY 2025	FY 2026
Carter	80050	US-60	IMPROVE US-60 GEOMETRY BEGINNING TERMINI AT NEW CONSTRUCTION AT OLIVE HILL MP 12.4 EXTENDING 1.1 MILES TO I-64 EXIT 161.(18CCN)	PL					
				DN	FED	2,140,000			
				RW	FED			3,350,000	
				UT	FED			2,700,000	
				CN	FED				8,780,000
				Project Cost:		2,140,000	0	6,050,000	8,780,000
				Total for Carter county					
			PL						
			DN		2,140,000				
			RW		2,500,000		3,350,000		
			UT			2,500,000	2,700,000		
			CN		5,388,000		2,054,000	13,780,000	
			Total Amounts:		10,028,000	2,500,000	8,104,000	13,780,000	
Casey	8703	KY-70	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN)(16CCR)(18CCN)	PL					
				DN					
				RW	FED			3,420,000	
				UT					
				CN					
				Project Cost:		0	0	3,420,000	0
CASEY	80150	US-127	ADD LANES (TWO PLUS ONE) TO US 127 FROM LIBERTY TO THE LINCOLN CO LINE	PL					
				DN	FED	3,000,000			
				RW	FED			2,000,000	
				UT	FED				2,000,000
				CN	FED				12,000,000
				Project Cost:		3,000,000	0	2,000,000	14,000,000
Total for CASEY county									
			PL						
			DN		3,000,000				
			RW				5,420,000		
			UT					2,000,000	
			CN					12,000,000	
			Total Amounts:		3,000,000	0	5,420,000	14,000,000	



# 2022-2026 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
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	SPP	2,940,000			
				RW	SPP		4,700,000		
				UT	SPP			2,410,000	
				CN					
			Project Cost:			2,940,000	4,700,000	2,410,000	0
Christian	227	KY-1007	RECONSTRUCT KY 1007 FROM LITTLE RIVER BRIDGE TO SANDERSON ROAD INCLUDING A NEW CONNECTOR FROM SANDERSON ROAD TO THE KY 1682 BYPASS	PL					
				DN					
				RW					
				UT					
				CN	FED	7,610,000			
			Project Cost:			7,610,000	0	0	0
Christian	381	CO-0	CONSTRUCT NEW CONNECTOR FROM US 41 NEAR THE INDUSTRIAL PARK TO KY 115 SOUTH OF PEMBROKE. (16CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	5,850,000			
			Project Cost:			5,850,000	0	0	0
Christian	898	EB-9004	RECONSTRUCT THE BREATHITT PARKWAY INTERCHANGE AT KY 1682 NORTH OF HOPKINSVILLE USING DESIGN BUILD. (BREATHITT PARKWAY/FUTURE INTERSTATE SPUR PROJECT) (16CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	5,000,000			
			Project Cost:			5,000,000	0	0	0
Christian	899	US-68	ADDRESS CONGESTION AND MOBILITY OF US 68 FROM KY 91 TO KY 1007 IN HOPKINSVILLE. (18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED		5,850,000		
			Project Cost:			0	5,850,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Christian	8703	KY-107	IMPROVE KY-107 FROM THE BYPASS TO KY-380.(12CCN)(14CCR)	PL					
				DN					
				RW					
				UT	FED	1,410,000			
				CN	FED		2,340,000		
			Project Cost:			<u>1,410,000</u>	<u>2,340,000</u>	<u>0</u>	<u>0</u>
Christian	8953	KY-115	IMPROVE AND WIDEN KY 115 FROM ANDERSON ROAD (MP 6.87) TO JUST SOUTH OF PEMBROKE (MP 9.625)(16CCN)(18CCN)	PL					
				DN					
				RW	FED			2,020,000	
				UT	FED			2,540,000	
				CN					
			Project Cost:			<u>0</u>	<u>0</u>	<u>4,560,000</u>	<u>0</u>
Christian	20005	EB-9004	ADDRESS PAVEMENT CONDITION OF EDWARD T. BREATHITT PENNYRILE PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 4.719	PL					
				DN	PM			400,000	
				RW					
				UT					
				CN	PM		4,000,000		
			Project Cost:			<u>0</u>	<u>4,000,000</u>	<u>400,000</u>	<u>0</u>
Christian	20008	EB-9004	ADDRESS PAVEMENT CONDITION OF EDWARD T. BREATHITT PENNYRILE PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 4.719 TO MILEPOINT 6.77	PL					
				DN	PM			175,000	
				RW					
				UT					
				CN	PM				1,750,000
			Project Cost:			<u>0</u>	<u>0</u>	<u>175,000</u>	<u>1,750,000</u>
Christian	20010	I-24	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-24 CARDINAL DIRECTION(S) FROM MILEPOINT 69.83 TO MILEPOINT 76.142.	PL					
				DN					
				RW					
				UT					
				CN	PM	3,250,000			
			Project Cost:			<u>3,250,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Christian	20013	I-24	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-24 BOTH DIRECTION(S) FROM MILEPOINT 85.563 TO MILEPOINT 92.	PL DN RW UT CN	PM		650,000		
				Project Cost:		0	650,000	6,500,000	0
Christian	20016	US-68	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			75,000	
				Project Cost:		0	0	75,000	750,000
Christian	80001	US-41	US 41A NEW TURNING LANE NORTHBOUND AT EXISTING MEDIAN CROSSOVER NEAR MILEPOST 11.4. CITY TO CONSTRUCT AND BE REIMBURSED. (18CCN)	PL DN RW UT CN	SPP	10,000			
				Project Cost:		10,000	70,000	0	0
Total for Christian county				PL DN RW UT CN		2,950,000	650,000	650,000	
							4,700,000	2,020,000	
						1,410,000		4,950,000	
						21,710,000	12,260,000	6,500,000	2,500,000
				Total Amounts:		26,070,000	17,610,000	14,120,000	2,500,000
Clark	4310	KY-2888	INSTALL GUARDRAIL ON KY-2888 IN CLARK COUNTY	PL DN RW UT CN	GR				32,000
				Project Cost:		0	0	0	32,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Clark	8401	PF-9999	EXTEND THE WINCHESTER EAST BYPASS (KY 1958) FROM IRVINE ROAD (KY 89) TO KY 627 SOUTH OF WINCHESTER. (08CCN)(10CCR) (18CCN)	PL DN RW UT CN	FED		36,080,000		
			Project Cost:			0	36,080,000	0	0
Clark	8639	PF-9999	EXTEND FULTON ROAD. (BY COUNTY)(10CCN) (18CCN)	PL DN RW UT CN	FED	1,780,000			
			Project Cost:			1,780,000	0	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).(16CCN)(18CCN)	PL DN RW UT CN	FED FED FED FED	2,080,000		4,060,000 3,940,000	14,000,000
			Project Cost:			2,080,000	0	8,000,000	14,000,000
Clark	20004.0001	I-64	ADDRESS PAVEMENT CONDITION OF I-64 BOTH DIRECTION(S) FROM MILEPOINT 89.48 TO MILEPOINT 94.7.	PL DN RW UT CN	PM	3,300,000			
			Project Cost:			3,300,000	0	0	0
Clark	20005	I-64	ADDRESS PAVEMENT CONDITION OF I-64 BOTH DIRECTION(S) FROM MILEPOINT 94.65 TO MILEPOINT 98.1.	PL DN RW UT CN	PM PM		525,000	5,250,000	
			Project Cost:			0	525,000	5,250,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
CLARK	80153		NEW ROUTE, EXTEND 7TH ST ACROSS RAILROAD TO CONNECT WITH OLD PARIS PIKE ROADBED WHERE KY 627 INTERSECTS WITH KY 1958	PL DN RW UT CN	FED	3,000,000			
			Project Cost:			3,000,000	0	0	0
Total for CLARK county				PL DN RW UT CN		2,080,000	525,000	4,060,000	3,940,000
			Total Amounts:			8,080,000	36,080,000	5,250,000	14,032,000
						10,160,000	36,605,000	13,250,000	14,032,000
Clay	4352	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL DN RW UT CN	GR		126,000		
			Project Cost:			0	126,000	0	0
Clay	4367	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL DN RW UT CN	GR		92,000		
			Project Cost:			0	92,000	0	0
Clay	4368	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL DN RW UT CN	GR		51,000		
			Project Cost:			0	51,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Clay	4417	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				29,000
			Project Cost:			0	0	0	29,000
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). (16CCN)	PL					
				DN	FED				1,000,000
				RW					
				UT					
				CN					
			Project Cost:			0	0	0	1,000,000
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) (16CCN)(18CCN)	PL					
				DN	FED				1,000,000
				RW	FED				18,000,000
				UT	FED				13,000,000
				CN					
			Project Cost:			0	0	0	32,000,000
Clay	20001	HR-9006	ADDRESS PAVEMENT CONDITION OF HAL ROGERS DANIEL BOONE PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 13.93 TO MILEPOINT 15.958	PL					
				DN	PM			80,000	
				RW					
				UT					
				CN	PM			800,000	
			Project Cost:			0	0	880,000	0
Total for Clay county				PL					
				DN				80,000	2,000,000
				RW					18,000,000
				UT					13,000,000
				CN			269,000	800,000	29,000
			Total Amounts:			0	269,000	880,000	33,029,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Clinton	8601.3	US-127	RELOCATION OF US-127 FROM EAST OF THE AARON RIDGE RD AND OLD US-127 INTERSECTION, EXTENDING NORTHERLY TO NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION. (SEE 8-108 AND 8-115 FOR	PL DN RW UT CN	FED		35,530,000		
			Project Cost:			0	35,530,000	0	0
Total for Clinton county				PL DN RW UT CN			35,530,000		
			Total Amounts:			0	35,530,000	0	0
Crittenden	326.1702	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP	464,300			
			Project Cost:			464,300	0	0	0
Crittenden	326.1703	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP		464,300		
			Project Cost:			0	464,300	0	0
Crittenden	326.1704	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP			464,300	
			Project Cost:			0	0	464,300	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Crittenden	326.1705	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				464,300
			Project Cost:			0	0	0	464,300
Total for Crittenden county				PL					
				DN					
				RW					
				UT					
				CN		464,300	464,300	464,300	464,300
			Total Amounts:			464,300	464,300	464,300	464,300
DAVISS	8300.0001	KY-54	IMPROVE KY-54 FROM WEST OF THE US-60 BYPASS TO CR-1021 (JACK HINTON ROAD). (06CCN)(10CCR)(12CCR)(14CCR)(16CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	14,000,000			
			Project Cost:			14,000,000	0	0	0
DAVISS	8300.0002	KY-54	IMPROVE KY-54 FROM WEST OF THE US-60 BYPASS TO CR-1021 (JACK HINTON ROAD). (06CCN)(10CCR)(12CCR)(14CCR)(16CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED		16,000,000		
			Project Cost:			0	16,000,000	0	0
Daviess	8854	KY-3143	IMPROVE KY-3143 FROM KY-3335 TO KY 54. (14CCN)	PL					
				DN					
				RW					
				UT	FED		3,650,000		
				CN	FED				7,600,000
			Project Cost:			0	3,650,000	0	7,600,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Daviess	10020.0001	KY-2262	ADDRESS DEFICIENCIES WITH GLOVER CARY BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (030B00118N)(BSBP)	PL DN RW UT CN	BR		2,250,000		
			Project Cost:			0	2,250,000	0	0
Daviess	10021.0001	US-231	ADDRESS DEFICIENCIES WITH NATCHER BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (030B00164N)(BSBP)	PL DN RW UT CN	BR		5,000,000		
			Project Cost:			0	5,000,000	0	0
Daviess	20017	KY-81	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM				
			Project Cost:			2,500,000	0	0	0
DAVIESS	80150	KY-144	ADDRESS SAFETY, CONGESTION AND MOBILITY ISSUES ON KY 144 FROM MP 2.5 TO MP 3.75 INCLUDING 12 FOOT DRIVING LANES AND TURNING LANES WHERE NEEDED.	PL DN RW UT CN	FED FED	1,700,000	4,000,000		
			Project Cost:			1,700,000	4,000,000	0	0
Total for DAVIESS county				PL DN RW UT CN					
			Total Amounts:			18,200,000	30,900,000	0	7,600,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Edmonson	7030.1	KY-259	RECONSTRUCT KY-70/KY-259 FROM 0.36 MILE NORTH GREEN RIVER BRIDGE AT BROWNSVILLE TO 0.42 MILE NORTH OF THE KY-70/KY-259 INTERSECTION.(06CCR)(2004BOPC)(12CCR) (14CCR)(18CCN)	PL DN RW UT CN	FED	6,930,000			
			Project Cost:			6,930,000	0	0	0
EDMONSON	80107	KY-259	IMPROVE SAFETY AND MOBILITY ON KY 259 FROM NORTH OF KYROCK ROAD TO THE GRAYSON COUNTY LINE.	PL DN RW UT CN	SPP	1,825,000			
			Project Cost:			1,825,000	0	0	0
Total for EDMONSON county				PL DN RW UT CN		8,755,000			
			Total Amounts:			8,755,000	0	0	0
Elliott	192.01	KY-32	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR)(12CCR)(14CCR)(16CCR) (18CCR)	PL DN RW UT CN	FED FED	5,000,000	15,000,000		
			Project Cost:			5,000,000	15,000,000	0	0
Elliott	192.0101	KY-32	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR)(12CCR)(14CCR)(16CCR) (18CCR)	PL DN RW UT CN	FED			15,000,000	
			Project Cost:			0	0	15,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Elliott	192.0102	KY-32	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR)(12CCR)(14CCR)(16CCR) (18CCR)	PL DN RW UT CN	FED				18,370,000
			Project Cost:			0	0	0	18,370,000
Elliott	228.3	KY-7	3-LANE CURB AND GUTTER IN THE VICINITY OF ELLIOT COUNTY SCHOOLS IN SANDY HOOK.	PL DN RW UT CN	FED	3,000,000			
			Project Cost:			3,000,000	0	0	0
Elliott	8802	KY-32	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN)(16CCR)(18CCN)	PL DN RW UT CN	FED	10,510,000			
			Project Cost:			10,510,000	0	0	0
Total for Elliott county				PL DN RW UT CN		5,000,000 13,510,000	15,000,000	15,000,000	18,370,000
			Total Amounts:			18,510,000	15,000,000	15,000,000	18,370,000
Estill	205	KY-82	IMPROVE LEVEL OF SERVICE, SAFETY, AND CONNECTIVITY ON KY-82 FROM KY-89 IN ESTILL CO. TO NEW CONSTRUCTION LOCATED NORTH OF HUDSON MILL ROAD IN ESTILL COUNTY.	PL DN RW UT CN	FED	2,600,000			
			Project Cost:			2,600,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ESTILL	206	KY-2459	IMPROVE SAFETY ON KY-2459 (CARHARTT AVE.) FROM KY-89 TO THE RAILROAD BRIDGE.	PL					
				DN	FED	250,000			
				RW	FED		250,000		
				UT	FED			250,000	
				CN					
			Project Cost:			250,000	250,000	250,000	0
Estill	207	KY-89	IMPROVE GEOMETRICS ON KY-89 IN ESTILL COUNTY FROM KY-1886 TO THE ESTILL/CLARK COUNTY LINE.	PL					
				DN	FED	1,560,000			
				RW					
				UT					
				CN					
			Project Cost:			1,560,000	0	0	0
Estill	208	KY-1645	IMPROVE SAFETY AND MOBILITY ON KY-1645 (KIRKLAND AVE) NEAR CR-1087 (LOCK 12 ROAD).	PL					
				DN					
				RW					
				UT	FED	50,000			
				CN	FED		320,000		
			Project Cost:			50,000	320,000	0	0
Estill	4315	KY-499	INSTALL GUARDRAIL ON KY-499 IN ESTILL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			18,000	
			Project Cost:			0	0	18,000	0
Total for Estill county				PL					
				DN		4,410,000			
				RW			250,000		
				UT		50,000		250,000	
				CN			320,000	18,000	
			Total Amounts:			4,460,000	570,000	268,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
FAYETTE	113.03	KY-4	IMPROVE NEW CIRCLE ROAD FROM LEESTOWN ROAD TO NEAR GEORGETOWN ROAD. (12CCR) (14CCR)(18CCR)	PL DN RW UT CN	FED FED FED	2,750,000	8,000,000	38,240,000	
			Project Cost:			2,750,000	8,000,000	38,240,000	0
Fayette	227.0902	CO-0	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX	756,000			
			Project Cost:			756,000	0	0	0
Fayette	227.0903	CO-0	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX		756,000		
			Project Cost:			0	756,000	0	0
Fayette	227.0904	CO-0	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX			756,000	
			Project Cost:			0	0	756,000	0
Fayette	227.0905	CO-0	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX				756,000
			Project Cost:			0	0	0	756,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Fayette	227.1403	CO-0	DEDICATED FEDERAL-AID STP FUNDS	PL					
			EARMARKED FOR LEXINGTON URBANIZED AREA	DN					
			AND SUBJECT TO MPO CONTROL FOR FY 2020.	RW					
			(FUNDING SUBJECT TO FISCAL CONSTRAINT	UT					
			PENDING MPO TIP)	CN	SLX	8,384,000			
			Project Cost:			8,384,000	0	0	0
Fayette	227.1404	CO-0	DEDICATED FEDERAL-AID STP FUNDS	PL					
			EARMARKED FOR LEXINGTON URBANIZED AREA	DN					
			AND SUBJECT TO MPO CONTROL FOR FY 2020.	RW					
			(FUNDING SUBJECT TO FISCAL CONSTRAINT	UT					
			PENDING MPO TIP)	CN	SLX		8,384,000		
			Project Cost:			0	8,384,000	0	0
Fayette	227.1405	CO-0	DEDICATED FEDERAL-AID STP FUNDS	PL					
			EARMARKED FOR LEXINGTON URBANIZED AREA	DN					
			AND SUBJECT TO MPO CONTROL FOR FY 2020.	RW					
			(FUNDING SUBJECT TO FISCAL CONSTRAINT	UT					
			PENDING MPO TIP)	CN	SLX			8,384,000	
			Project Cost:			0	0	8,384,000	0
Fayette	227.1406	CO-0	DEDICATED FEDERAL-AID STP FUNDS	PL					
			EARMARKED FOR LEXINGTON URBANIZED AREA	DN					
			AND SUBJECT TO MPO CONTROL FOR FY 2020.	RW					
			(FUNDING SUBJECT TO FISCAL CONSTRAINT	UT					
			PENDING MPO TIP)	CN	SLX				8,384,000
			Project Cost:			0	0	0	8,384,000
Fayette	252	KY-922	IMPROVE NEWTOWN PIKE FROM KY-4 TO I-75.	PL					
			(16CCR)(18CCR)	DN					
				RW					
				UT					
				CN	FED	17,310,000			
			Project Cost:			17,310,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Fayette	357.1702	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	332,900			
			Project Cost:			332,900	0	0	0
Fayette	357.1703	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		332,900		
			Project Cost:			0	332,900	0	0
Fayette	357.1704	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			332,900	
			Project Cost:			0	0	332,900	0
Fayette	357.1705	KY-169	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				332,900
			Project Cost:			0	0	0	332,900
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)(16CCR)(18CCN)	PL					
				DN					
				RW					
				UT	FED	1,810,000			
				CN	FED			12,130,000	
			Project Cost:			1,810,000	0	12,130,000	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Fayette	438	KY-4	REDUCE CONGESTION ON KY-4 (NEW CIRCLE RD) FROM TRADE CENTER DR TO WOODHILL DR.	PL DN RW UT CN	FED		2,080,000		
			Project Cost:			0	2,080,000	0	0
Fayette	439	KY-4	NEW CIRCLE RD: IMPROVE SAFETY AND REDUCE CONGESTION FROM US-68 (HARRODSBURG RD) TO US-60 (VERSAILLES RD). SEE SEGMENTS 2A & 2B IN AUGUST, 1998 ADVANCE PLANNING STUDY.	PL DN RW UT CN	FED		2,290,000		
			Project Cost:			0	2,290,000	0	0
Fayette	8902	KY-1927	IMPROVE LIBERTY ROAD FROM GRAFTONS MILL LANE TO NEW CIRCLE ROAD AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD. (16CCN)(18CCR)	PL DN RW UT CN	FED  FED	4,330,000		11,700,000	
			Project Cost:			4,330,000	0	11,700,000	0
Fayette	8909	I-75	REDUCE CONGESTION ON I-64/I-75 FROM THE C&O RAILROAD BRIDGE TO THE NORTHERN SPLIT (SECTION 1). (16CCN)(18CCR)	PL DN RW UT CN	FED		15,000,000		
			Project Cost:			0	15,000,000	0	0
Fayette	20008	I-64	ADDRESS PAVEMENT CONDITION OF I-064 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 71 TO MILEPOINT 73.94	PL DN RW UT CN	PM  PM		390,000	3,900,000	
			Project Cost:			0	390,000	3,900,000	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Fayette	20011.0001	I-64	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 82.19 TO MILEPOINT 89.48. (18CCR)	PL DN RW UT CN	PM	4,700,000			
			Project Cost:			4,700,000	0	0	0
FAYETTE	80150	US-60	ADDRESS CONGESTION AND IMPROVE SAFETY ON US 60 FROM MP 12.41 TO 16.37 BY WIDENING AND MODERNIZING US 60 FROM THE END OF THE FOUR-LANE SECTION NEAR POLO CLUB BLVD TO KY 859 (HALEY RD).	PL DN RW UT CN	FED FED FED		1,216,000		1,170,000
			Project Cost:			0	1,216,000	0	16,354,000
FAYETTE	80151	US-60	MODERNIZE AND IMPROVE CAPACITY ON US 60 FROM KY 859 (HALEY RD) TO KY 1958 (BYPASS RD) (IN CLARK CO)	PL DN RW UT CN	SPP SPP SPP SPP		3,786,000		11,851,000
			Project Cost:			0	3,786,000	0	58,585,000
FAYETTE	80152	US-25	IMPROVE ROADWAY GEOMETRICS TOWARD MODERN SPECIFICATIONS AND CONTINUE 4 LANE DIVIDED HIGHWAY WHERE 2 LANES EXIST FROM MP 18.26 TO 21.42	PL DN RW UT CN	FED	5,000,000			
			Project Cost:			5,000,000	0	0	0
FAYETTE	80152.0001	US-25	IMPROVE ROADWAY GEOMETRICS TOWARD MODERN SPECIFICATIONS AND CONTINUE 4 LANE DIVIDED HIGHWAY WHERE 2 LANES EXIST FROM MP 18.26 TO 21.42	PL DN RW UT CN	FED		5,000,000		
			Project Cost:			0	5,000,000	0	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
FAYETTE	80152.0002	US-25	IMPROVE ROADWAY GEOMETRICS TOWARD MODERN SPECIFICATIONS AND CONTINUE 4 LANE DIVIDED HIGHWAY WHERE 2 LANES EXIST FROM MP 18.26 TO 21.42	PL DN RW UT CN	FED  FED FED	     	     	6,300,000	 4,450,000 24,390,000
Project Cost:						0	0	6,300,000	28,840,000
Total for FAYETTE county				PL DN RW UT CN			8,546,000	6,300,000	11,851,000 14,394,000 87,006,900
Total Amounts:						45,372,900	47,234,900	81,742,900	113,251,900
Fleming	80051	KY-32	IMPROVE SAFETY AND SIGHT DISTANCE ON KY-32 BEGINNING AT 0.4 MILES WEST OF FLEMING/ROWAN CO LINE AND ENDING 0.3 MILES EAST OF THE LINE.(18CCN)	PL DN RW UT CN	FED  FED FED FED	     	     	1,160,000 850,000	 8,520,000
Project Cost:						0	0	2,010,000	8,520,000
FLEMING	80103	KY-57	RECONSTRUCT KY 57 TO PROVIDE BETTER HORIZONTAL AND VERTICAL ALIGNMENT, WIDER SHOULDERS, AND EXTEND CLEAR ZONES	PL DN RW UT CN	SPP SPP SPP SPP	2,650,000	3,510,000	1,970,000	19,740,000
Project Cost:						2,650,000	3,510,000	1,970,000	19,740,000
FLEMING	80104	KY-801	RECONSTRUCT KY 801 TO IMPROVE ALIGNMENT AND WIDEN IT TO A 2 LANE HIGHWAY WITH PASSING LANES	PL DN RW UT CN	SPP SPP SPP SPP	2,500,000	5,000,000	3,000,000	25,000,000
Project Cost:						2,500,000	5,000,000	3,000,000	25,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for FLEMING county				PL					
				DN		5,150,000			
				RW			8,510,000	1,160,000	
				UT				5,820,000	
				CN					53,260,000
				Total Amounts:		<u>5,150,000</u>	<u>8,510,000</u>	<u>6,980,000</u>	<u>53,260,000</u>
Floyd	191	US-23	IMPROVE SAFETY AND ACCESS ON US-23 BETWEEN KY-80 AND KY-3384.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED				1,880,000
				Project Cost:		<u>0</u>	<u>0</u>	<u>0</u>	<u>1,880,000</u>
Floyd	195	KY-979	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL.(12CCR) (16CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED		4,705,000		
				Project Cost:		<u>0</u>	<u>4,705,000</u>	<u>0</u>	<u>0</u>
Floyd	195.0001	KY-979	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL.(12CCR) (16CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED			4,705,000	
				Project Cost:		<u>0</u>	<u>0</u>	<u>4,705,000</u>	<u>0</u>
Floyd	1119	KY-2557	ADDRESS DEFICIENCIES OF BRIDGE OVER LEVISA FORK ON KY 2557 AT JCT US 23 IN JUSTELL. (036B00040N)	PL					
				DN					
				RW					
				UT					
				CN	BR	<u>3,690,000</u>			
				Project Cost:		<u>3,690,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Floyd	4336	KY-1929	INSTALL GUARDRAIL ON KY-1929 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	18,000			
			Project Cost:			18,000	0	0	0
Floyd	4337	KY-777	INSTALL GUARDRAIL ON KY-777 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	49,000			
			Project Cost:			49,000	0	0	0
Floyd	4354	KY-194	INSTALL GUARDRAIL ON KY-194 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	16,000			
			Project Cost:			16,000	0	0	0
Floyd	4355	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	115,000			
			Project Cost:			115,000	0	0	0
Floyd	4356	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	55,000			
			Project Cost:			55,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Floyd	4371	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		14,000		
			Project Cost:			0	14,000	0	0
Floyd	4372	KY-1427	INSTALL GUARDRAIL ON KY-1427 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		85,000		
			Project Cost:			0	85,000	0	0
Floyd	4373	KY-1427	INSTALL GUARDRAIL ON KY-1427 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		90,000		
			Project Cost:			0	90,000	0	0
Floyd	4374	KY-850	INSTALL GUARDRAIL ON KY-850 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		20,000		
			Project Cost:			0	20,000	0	0
Floyd	4385	KY-1086	INSTALL GUARDRAIL ON KY-1086 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		86,000		
			Project Cost:			0	86,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Floyd	4386	KY-1750	INSTALL GUARDRAIL ON KY-1750 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		54,000		
			Project Cost:			0	54,000	0	0
Floyd	4387	KY-3385	INSTALL GUARDRAIL ON KY-3385 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		64,000		
			Project Cost:			0	64,000	0	0
Floyd	4388	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		99,000		
			Project Cost:			0	99,000	0	0
Floyd	4389	KY-680	INSTALL GUARDRAIL ON KY-680 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		84,000		
			Project Cost:			0	84,000	0	0
Floyd	4390	KY-680	INSTALL GUARDRAIL ON KY-680 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			55,000	
			Project Cost:			0	0	55,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Floyd	4423	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			70,000	
			Project Cost:			0	0	70,000	0
Floyd	4424	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			94,000	
			Project Cost:			0	0	94,000	0
Floyd	4425	KY-1428	INSTALL GUARDRAIL ON KY-1428 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			24,000	
			Project Cost:			0	0	24,000	0
Floyd	4426	KY-1428	INSTALL GUARDRAIL ON KY-1428 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				9,000
			Project Cost:			0	0	0	9,000
Floyd	4427	KY-1498	INSTALL GUARDRAIL ON KY-1498 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				55,000
			Project Cost:			0	0	0	55,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Floyd	4429	KY-3384	INSTALL GUARDRAIL ON KY-3384 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				6,000
			Project Cost:			0	0	0	6,000
Floyd	4430	KY-550	INSTALL GUARDRAIL ON KY-550 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				88,000
			Project Cost:			0	0	0	88,000
Floyd	4431	KY-777	INSTALL GUARDRAIL ON KY-777 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				99,000
			Project Cost:			0	0	0	99,000
Floyd	4432	KY-850	INSTALL GUARDRAIL ON KY-850 IN FLOYD COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				49,000
			Project Cost:			0	0	0	49,000
Total for Floyd county				PL					
				DN					
				RW					
				UT					
				CN		3,943,000	5,301,000	4,948,000	2,186,000
Total Amounts:						3,943,000	5,301,000	4,948,000	2,186,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Franklin	551	I-64	IMPROVE SAFETY, TRUCK MOBILITY, AND REDUCE CONGESTION ALONG I-64 FROM DIRECTLY EAST OF US-127 TO US-60 SOUTH OF FRANKFORT.	PL DN RW UT CN	FED	4,840,000			
Project Cost:						4,840,000	0	0	0
Franklin	20038	US-127	ADDRESS PAVEMENT CONDITION ON US-127 FROM MILEPOINT 11.90 TO MILEPOINT 19.00	PL DN RW UT CN	PM			1,228,000	
Project Cost:						0	0	1,228,000	0
FRANKLIN	80105	KY-676	ADD A TURN LANE AT THE INTERSECTION OF KY 676 AND US 60	PL DN RW UT CN	SPP	1,600,000			
Project Cost:						1,600,000	0	0	0
FRANKLIN	80106	US-460	REPAIR THE SIDEWALK ON THE BRIDGE	PL DN RW UT CN	SPP				100,000
Project Cost:						0	0	0	100,000
Total for FRANKLIN county				PL DN RW UT CN		4,840,000			
Total Amounts:						6,440,000	0	1,228,000	100,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Fulton	25	JC-9003	IMPROVE THE PURCHASE PARKWAY AT THE KENTUCKY/TENNESSEE LINE TO SOUTHWEST OF THE US-51 INTERCHANGE.(I-69 CORRIDOR IMPROVEMENT)(2012BOP)	PL DN RW UT CN	FED  FED	2,320,000	1,130,000		
			Project Cost:			2,320,000	1,130,000	0	0
Fulton	26	JC-9003	IMPROVE THE PURCHASE PARKWAY FROM SOUTHWEST OF THE US-51 INTERCHANGE TO CARDINAL ROAD NEAR MAYFIELD INCLUDING THE KY-339 INTERCHANGE IN WINGO, KY. (I-69 CORRIDOR IMPROVEMENT) (2012BOP)	PL DN RW UT CN	FED	17,550,000			
			Project Cost:			17,550,000	0	0	0
Fulton	320.1702	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP	144,000			
			Project Cost:			144,000	0	0	0
Fulton	320.1703	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP		144,000		
			Project Cost:			0	144,000	0	0
Fulton	320.1704	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP			144,000	
			Project Cost:			0	0	144,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Fulton	320.1705	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				144,000
			Project Cost:			0	0	0	144,000
Fulton	8853	KY-1099	SAFETY IMPROVEMENT AT INTERSECTION OF KY-1099 AND KY-125. (14CCN)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	1,710,000			
			Project Cost:			1,710,000	0	0	0
Fulton	20002	JC-9003	ADDRESS PAVEMENT CONDITION OF JULIAN M. CARROLL PURCHASE PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 1.78	PL					
				DN	PM		175,000		
				RW					
				UT					
				CN	PM			1,750,000	
			Project Cost:			0	175,000	1,750,000	0
Total for Fulton county				PL					
				DN			175,000		
				RW		2,320,000			
				UT			1,130,000		
				CN		19,404,000	144,000	1,894,000	144,000
			Total Amounts:			21,724,000	1,449,000	1,894,000	144,000
Gallatin	8909	US-42	IMPROVE SAFETY, CONGESTION, AND PEDESTRIAN AND FREIGHT MOBILITY ON US 42 IN WARSAW FROM DAVIS DRIVE TO 0.4 MILES EAST OF DORMAN DRIVE. MP 7.281-7.8. (16CCN)	PL					
				DN	SPP	1,040,000			
				RW	SPP		1,110,000		
				UT	SPP		820,000		
				CN	SPP			7,880,000	
			Project Cost:			1,040,000	1,930,000	7,880,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Gallatin	8910	I-71	IMPROVE GEOMETRICS ON I-71 FROM US-127 TO MP 64. (16CCN)(18CCR)	PL					
				DN					
				RW	FED		1,740,000		
				UT	FED		570,000		
				CN	FED				37,720,000
			Project Cost:			0	2,310,000	0	37,720,000
Gallatin	20022.0001	I-71	ADDRESS PAVEMENT CONDITION OF I-071 BOTH DIRECTION(S) FROM MILEPOINT 59.673 TO MILEPOINT 69.89	PL					
				DN					
				RW					
				UT					
				CN	PM	5,250,000			
			Project Cost:			5,250,000	0	0	0
Total for Gallatin county				PL					
				DN		1,040,000			
				RW			2,850,000		
				UT			1,390,000		
				CN		5,250,000		7,880,000	37,720,000
			Total Amounts:			6,290,000	4,240,000	7,880,000	37,720,000
GARRARD	196.2	US-27	CONSTRUCT WEST LANCASTER BYPASS.	PL					
				DN					
				RW					
				UT	FED	3,800,000			
				CN	FED		20,300,000		
			Project Cost:			3,800,000	20,300,000	0	0
Garrard	196.3	US-27	IMPROVE US-27 FROM WEST LANCASTER BYPASS TO KY-34. (2006BOPC) (16CCN) (18CCR)	PL					
				DN					
				RW					
				UT	FED	4,710,000			
				CN	FED		26,210,000		
			Project Cost:			4,710,000	26,210,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Garrard county				PL					
				DN					
				RW					
				UT		8,510,000			
				CN			46,510,000		
			Total Amounts:			8,510,000	46,510,000	0	0
Grant	8716	CR-1142	ADDRESS DEFICIENCIES OF BRIDGE ON NORTH	PL					
			END OF DELANEY ROAD 0.1 MILE NORTH OF	DN					
			THE JUNCTION WITH US 25. 041C00016N	RW					
			(12CCN)	UT					
				CN	FED	14,040,000			
			Project Cost:			14,040,000	0	0	0
Grant	20024	I-75	ADDRESS PAVEMENT CONDITION OF I-075	PL					
			NON-CARDINAL DIRECTION(S) FROM MILEPOINT	DN	PM	975,000			
			145.5 TO MILEPOINT 152.122	RW					
				UT					
				CN	PM		4,750,000		
			Project Cost:			975,000	4,750,000	0	0
Grant	20024.0001	I-75	ADDRESS PAVEMENT CONDITION OF I-075	PL					
			NON-CARDINAL DIRECTION(S) FROM MILEPOINT	DN					
			145.5 TO MILEPOINT 152.122	RW					
				UT					
				CN	PM			5,000,000	
			Project Cost:			0	0	5,000,000	0
Grant	20028	I-75	ADDRESS PAVEMENT CONDITION OF I-075	PL					
			NON-CARDINAL DIRECTION(S) FROM MILEPOINT	DN					
			164.4 TO MILEPOINT 166.263	RW					
				UT					
				CN	PM	1,250,000			
			Project Cost:			1,250,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Grant	20029	KY-22	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL					
				DN	PM			47,500	
				RW					
				UT					
				CN	PM			475,000	
			Project Cost:			0	0	522,500	0
Total for Grant county				PL					
				DN		975,000		47,500	
				RW					
				UT					
				CN		15,290,000	4,750,000	5,475,000	
			Total Amounts:			16,265,000	4,750,000	5,522,500	0
GRAVES	80103	KY-303	WIDEN KY 303 FROM MP 16.034 (EAST FARTHING ST) TO MP 16.807 (CHARLES DR)	PL					
				DN					
				RW	SPP	3,500,000			
				UT	SPP	3,500,000			
				CN	SPP		5,000,000		
			Project Cost:			7,000,000	5,000,000	0	0
GRAVES	80104	KY-131	WIDEN KY 131 FROM MP 0 (KY 58) TO MP 4.555 (KY 483)	PL					
				DN	SPP	1,600,000			
				RW	SPP		2,300,000		
				UT	SPP			2,800,000	
				CN	SPP				19,000,000
			Project Cost:			1,600,000	2,300,000	2,800,000	19,000,000
Total for GRAVES county				PL					
				DN		1,600,000			
				RW		3,500,000	2,300,000		
				UT		3,500,000		2,800,000	
				CN			5,000,000		19,000,000
			Total Amounts:			8,600,000	7,300,000	2,800,000	19,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Grayson	4310	KY-1214	INSTALL GUARDRAIL ON KY-1214 IN GRAYSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	6,000			
			Project Cost:			6,000	0	0	0
Grayson	4318	KY-259	INSTALL GUARDRAIL ON KY-259 IN GRAYSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				10,000
			Project Cost:			0	0	0	10,000
Grayson	8502.2	US-62	IMPROVE US 62 FROM JUST EAST OF BEEHIVE CURVE TO KY224. CONSTRUCTION SEGMENT 2.	PL					
				DN					
				RW					
				UT					
				CN	FED	5,630,000			
			Project Cost:			5,630,000	0	0	0
Grayson	20003	WK-9001	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY CARDINAL DIRECTION(S) FROM MILEPOINT 114.8 TO MILEPOINT 116.95	PL					
				DN	PM	100,000			
				RW					
				UT					
				CN	PM	1,000,000			
			Project Cost:			1,100,000	0	0	0
GRAYSON	80100	KY-3155	ADDRESS CONNECTIVITY, MOBILITY, AND SAFETY CONCERNS ON THE WEST SIDE OF LEITCHFIELD FROM KY 54 TO THE NORTHERN INTERSECTION OF KY 259 AND KY 3155	PL					
				DN	SPP	1,900,000			
				RW	SPP	5,200,000			
				UT	SPP		750,000		
				CN	SPP			18,000,000	
			Project Cost:			7,100,000	750,000	18,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
GRAYSON	80101	KY-259	ADDRESS SAFETY, GOMETRIC DEFICIENCIES, AND MAINTENANCE ISSUES ALONG KY 259 FROM BEAR CREEK ROAD (MP 9.217) TO THE NORTHERN INTERSECTION OF BLOOMINGTON ROAD (MP 11.761) SOUTH OF LEITCHFIELD	PL DN RW UT CN	SPP SPP SPP SPP	1,200,000	2,100,000 1,500,000	13,300,000	
Project Cost:						1,200,000	3,600,000	13,300,000	0
GRAYSON	80150	KY-3155	ADDRESS SAFETY AND TURN MOVEMENTS ALONG WALLACE AVENUE (KY 3155) IN LEITCHFIELD FROM THE INTERSECTION WITH EAST CARROLL GIBSON BLVD TO THE WILLIAM THOMASON BYWAY	PL DN RW UT CN	SPP SPP SPP SPP	240,000	650,000		500,000 2,500,000
Project Cost:						240,000	650,000	0	3,000,000
Total for GRAYSON county				PL DN RW UT CN		3,440,000 5,200,000 6,636,000	2,750,000 2,250,000	31,300,000	500,000 2,510,000
Total Amounts:						15,276,000	5,000,000	31,300,000	3,010,000
GREEN	397.11	US-68	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG US 68 FROM THE METCALFE COUNTY LINE (MP 0.000) TO 1600 FEET WEST OF SOUTH THURLOW ROAD (MP 9.682)	PL DN RW UT CN	FED FED FED FED	250,000	150,000 300,000	5,800,000	
Project Cost:						250,000	450,000	5,800,000	0
Green	398	PF-9999	CONSTRUCT NEW CONNECTOR ON THE EAST SIDE OF GREENSBURG BEGINNING NEAR THE US 61 AND US 68 INTERSECTION SOUTH OF TOWN AND EXTENDING TO KY 3535 ON THE NORTH OF GREENSBURG.	PL DN RW UT CN	FED FED FED FED	1,000,000	3,200,000 2,000,000		16,000,000
Project Cost:						1,000,000	5,200,000	0	16,000,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Green	4316	KY-61	INSTALL GUARDRAIL ON KY-61 IN GREEN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			78,000	
			Project Cost:			0	0	78,000	0
Green	8712	KY-61	IMPROVE SAFETY AND MOBILITY ON KY-61 FROM PITMAN CREEK BRIDGE TO DOC WARD RD (CR 1314). (12CCN)(14CCR)(16CCR)	PL					
				DN					
				RW					
				UT	FED	3,000,000			
				CN	FED			7,020,000	
			Project Cost:			3,000,000	0	7,020,000	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)(16CCR)(18CCN)	PL					
				DN	SPP	750,000			
				RW	SPP		3,310,000		
				UT	SPP		1,090,000		
				CN	SPP			6,440,000	
			Project Cost:			750,000	4,400,000	6,440,000	0
GREEN	80102	US-68	IMPROVE SAFETY AND PASSING OPPORTUNITITES ALONG US 68 FROM KY 61 IN GREEN COUNTY TO DAVIS ROAD IN TAYLOR COUNTY	PL					
				DN					
				RW	SPP	50,000			
				UT	SPP	500,000			
				CN	SPP			5,500,000	
			Project Cost:			550,000	0	5,500,000	0
Total for GREEN county				PL					
				DN		2,000,000			
				RW		50,000	6,660,000		
				UT		3,500,000	3,390,000		
				CN				24,838,000	16,000,000
			Total Amounts:			5,550,000	10,050,000	24,838,000	16,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Greenup	132	KY-2	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN)(14CCR)(16CCR)(18CCN)	PL					
				DN					
				RW	FED		5,780,000		
				UT	FED		3,380,000		
				CN	FED				46,800,000
			Project Cost:			0	9,160,000	0	46,800,000
Greenup	4314	KY-827	INSTALL GUARDRAIL ON KY-827 IN GREENUP COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	19,000			
			Project Cost:			19,000	0	0	0
Greenup	4316	KY-7	INSTALL GUARDRAIL ON KY-7 IN GREENUP COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		53,000		
			Project Cost:			0	53,000	0	0
Greenup	4317	KY-7	INSTALL GUARDRAIL ON KY-7 IN GREENUP COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		32,000		
			Project Cost:			0	32,000	0	0
Greenup	8509	KY-207	IMPROVE KY-207 FROM THE INDUSTRIAL PARKWAY TO THE KY-693 INTERSECTION IN FLATWOODS.(08CCN)(16CCR)	PL					
				DN					
				RW	FED	2,600,000			
				UT	FED	2,700,000			
				CN					
			Project Cost:			5,300,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Greenup	8509.0001	KY-207	IMPROVE KY-207 FROM THE INDUSTRIAL PARKWAY TO THE KY-693 INTERSECTION IN FLATWOODS.(08CCN)(16CCR)	PL					
				DN					
				RW	FED		6,600,000		
				UT	FED		4,700,000		
				CN	FED				32,900,000
			Project Cost:			0	11,300,000	0	32,900,000
Total for Greenup county				PL					
				DN					
				RW		2,600,000	12,380,000		
				UT		2,700,000	8,080,000		
				CN		19,000	85,000		79,700,000
			Total Amounts:			5,319,000	20,545,000	0	79,700,000
HANCOCK	226.0001	US-60	IMPROVE THE WESTBOUND LANES OF US-60 FROM KY-1957 TO 0.2 MILE WEST OF KY-6106. (12CCR)(14CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	3,880,000			
			Project Cost:			3,880,000	0	0	0
Hancock	4305	KY-261	INSTALL GUARDRAIL ON KY-261 IN HANCOCK COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	24,000			
			Project Cost:			24,000	0	0	0
Hancock	20022	US-60	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL					
				DN	PM	525,000			
				RW					
				UT					
				CN	PM		5,250,000		
			Project Cost:			525,000	5,250,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Hancock county				PL					
				DN		525,000			
				RW					
				UT					
				CN		3,904,000	5,250,000		
				Total Amounts:		4,429,000	5,250,000	0	0
Hardin	20.0101	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	FED	18,000,000			
				Project Cost:		18,000,000	0	0	0
Hardin	153.01	KY-251	KY 251 IMPROVEMENTS FROM KY 3005 TO KY 434.	PL					
				DN					
				RW					
				UT					
				CN	FED	4,350,000			
				Project Cost:		4,350,000	0	0	0
HARDIN	154	US-31	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-31W FROM US-31WB TO CS-2255 (WILSON ROAD). (10CCR)(12CCR)	PL					
				DN					
				RW	SPP	1,000,000			
				UT	SPP		1,000,000		
				CN	SPP			9,000,000	
				Project Cost:		1,000,000	1,000,000	9,000,000	0
HARDIN	198	KY-3005	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65.(12CCR)(14CCR)	PL					
				DN					
				RW					
				UT	SPP	1,560,000			
				CN	SPP		21,380,000		
				Project Cost:		1,560,000	21,380,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Hardin	442	US-62	IMPROVE SAFETY, MOBILITY AND GEOMETRICS ON US-62 FROM I-65 TO UPPER COLESBURG ROAD (CR-1038)	PL DN RW UT CN	FED FED FED	1,500,000		3,000,000 3,000,000	
Project Cost:						1,500,000	0	6,000,000	0
Hardin	4311	KY-210	INSTALL GUARDRAIL ON KY-210 IN HARDIN COUNTY	PL DN RW UT CN					
Project Cost:						18,000	0	0	0
Hardin	8801	KY-1357	IMPROVE SAFETY, GEOMETRICS, DRAINAGE AND MAINTENANCE ISSUES ALONG KY-1357 (ST. JOHNS RD) FROM US-31W BYPASS TO KY-3005 (RING ROAD). (14CCN)	PL DN RW UT CN					
Project Cost:						8,000,000	0	0	0
HARDIN	20011.1	US-31	ADDRESS PAVEMENT CONDITION	PL DN RW UT CN					
Project Cost:						3,500,000	0	0	0
Hardin	20013	US-31	ADDRESS PAVEMENT CONDITION	PL DN RW UT CN				325,000	
Project Cost:						0	0	325,000	3,250,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Hardin	20015	WK-9001	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 119.649 TO MILEPOINT 120.649	PL DN RW UT CN	PM	100,000			
					PM	1,000,000			
			Project Cost:			1,100,000	0	0	0
Hardin	20016	WK-9001	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 120.93 (120.65 NON-CARDINAL) TO MILEPOINT 132.4 (130.95 NON-CARDINAL)	PL DN RW UT CN	PM	5,200,000			
			Project Cost:			5,200,000	0	0	0
Hardin	20016.0001	WK-9001	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 120.93 (120.65 NON-CARDINAL) TO MILEPOINT 132.4 (130.95 NON-CARDINAL)	PL DN RW UT CN	PM		4,000,000		
			Project Cost:			0	4,000,000	0	0
Hardin	20028	US-62	ADDRESS PAVEMENT CONDITION ON US-62 FROM MILEPOINT 9.57 TO MILEPOINT 13.77	PL DN RW UT CN	PM		689,000		
			Project Cost:			0	689,000	0	0
Total for Hardin county				PL					
				DN		1,600,000		325,000	
				RW		1,000,000		3,000,000	
				UT		1,560,000	1,000,000	3,000,000	
				CN		40,068,000	26,069,000	9,000,000	3,250,000
				Total Amounts:		44,228,000	27,069,000	15,325,000	3,250,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Harlan	4331	KY-1601	INSTALL GUARDRAIL ON KY-1601 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	19,000			
			Project Cost:			19,000	0	0	0
Harlan	4332	KY-1601	INSTALL GUARDRAIL ON KY-1601 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	69,000			
			Project Cost:			69,000	0	0	0
Harlan	4343	KY-522	INSTALL GUARDRAIL ON KY-522 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	634,000			
			Project Cost:			634,000	0	0	0
Harlan	4344	KY-522	INSTALL GUARDRAIL ON KY-522 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	634,000			
			Project Cost:			634,000	0	0	0
Harlan	4353	KY-2007	INSTALL GUARDRAIL ON KY-2007 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		239,000		
			Project Cost:			0	239,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Harlan	4354	KY-840	INSTALL GUARDRAIL ON KY-840 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		37,000		
			Project Cost:			0	37,000	0	0
Harlan	4370	KY-987	INSTALL GUARDRAIL ON KY-987 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			85,000	
			Project Cost:			0	0	85,000	0
Harlan	4371	KY-987	INSTALL GUARDRAIL ON KY-987 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			20,000	
			Project Cost:			0	0	20,000	0
Harlan	4402	KY-72	INSTALL GUARDRAIL ON KY-72 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				24,000
			Project Cost:			0	0	0	24,000
Harlan	4403	KY-840	INSTALL GUARDRAIL ON KY-840 IN HARLAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				49,000
			Project Cost:			0	0	0	49,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Harlan county				PL					
				DN					
				RW					
				UT					
				CN		1,356,000	276,000	105,000	73,000
			Total Amounts:			1,356,000	276,000	105,000	73,000
Harrison	4307	KY-32	INSTALL GUARDRAIL ON KY-32 IN HARRISON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	43,000			
			Project Cost:			43,000	0	0	0
Harrison	4309	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	11,000			
			Project Cost:			11,000	0	0	0
Harrison	4310	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	11,000			
			Project Cost:			11,000	0	0	0
Harrison	4311	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	11,000			
			Project Cost:			11,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Harrison	4312	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	11,000			
			Project Cost:			11,000	0	0	0
HARRISON	8707	US-62	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	0	0
Harrison	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)(14CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,500,000			
			Project Cost:			5,500,000	0	0	0
Total for Harrison county				PL					
				DN					
				RW					
				UT					
				CN		8,507,000			
			Total Amounts:			8,507,000	0	0	0
Hart	441	KY-335	IMPROVE MOBILITY, CONNECTIVITY AND SAFETY BY ADDRESSING COMMERCIAL AND INDUSTRIAL TRAFFIC MOVEMENT FROM US-31W SOUTH OF KY-218 TO I-65. (16CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	7,400,000			
			Project Cost:			7,400,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Hart	4312	KY-1140	INSTALL GUARDRAIL ON KY-1140 IN HART COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		43,000		
			Project Cost:			0	43,000	0	0
Hart	4317	KY-1140	INSTALL GUARDRAIL ON KY-1140 IN HART COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			22,000	
			Project Cost:			0	0	22,000	0
Total for Hart county				PL					
				DN					
				RW					
				UT					
				CN		7,400,000	43,000	22,000	
			Total Amounts:			7,400,000	43,000	22,000	0
Henderson	383	CS-1372	IMPROVE SAFETY AND REDUCE CONGESTION ON CS-1372 (WATSON LANE). (18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	6,340,000			
			Project Cost:			6,340,000	0	0	0
Henderson	700.1503	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL					
				DN					
				RW					
				UT					
				CN	SHN	900,000			
			Project Cost:			900,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Henderson	700.1504	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN	<u>                    </u>	<u>900,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	900,000	0	0
Henderson	700.1505	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN	<u>                    </u>	<u>                    </u>	<u>900,000</u>	<u>                    </u>
			Project Cost:			0	0	900,000	0
Henderson	700.1506	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>900,000</u>
			Project Cost:			0	0	0	900,000
Henderson	1088.2001	PF-9999	CONSTRUCT THE PORTION OF THE I-69 ORX PROJECT FROM THE HENDERSON BYPASS (KY 425) TO US 60. (100% KY SHARE)	PL DN RW UT CN	FED	<u>70,000,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
			Project Cost:			70,000,000	0	0	0
Henderson	1088.2002	PF-9999	CONSTRUCT THE PORTION OF THE I-69 ORX PROJECT FROM THE HENDERSON BYPASS (KY 425) TO US 60. (100% KY SHARE)	PL DN RW UT CN	FED	<u>                    </u>	<u>70,000,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	70,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Henderson	1088.2003	PF-9999	CONSTRUCT THE PORTION OF THE I-69 ORX PROJECT FROM THE HENDERSON BYPASS (KY 425) TO US 60. (100% KY SHARE)	PL DN RW UT CN	FED			50,000,000	
			Project Cost:			0	0	50,000,000	0
Henderson	1088.5	PF-9999	WORK WITH INDOT TO DEVELOP A \$1.1B BI-STATE PACKAGE FOR THE DELIVERY OF THE PORTION OF THE PROJECT FROM US 60 NORTH TO I-69 IN EVANSVILLE. (COSTS SHARED BY KY AND IN)	PL DN RW UT CN	IF IF IF	50,000,000		13,100,000 10,300,000	
			Project Cost:			50,000,000	0	23,400,000	0
Henderson	2091.1	US-41	ADDRESS DEFICIENCIES AND PAINTING ON US 41 BRIDGES OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (051B0002R, 051B0007L)(BSBP)	PL DN RW UT CN	BR			21,200,000	
			Project Cost:			0	0	21,200,000	0
Henderson	4306	KY-2183	INSTALL GUARDRAIL ON KY-2183 IN HENDERSON COUNTY	PL DN RW UT CN	GR	63,000			
			Project Cost:			63,000	0	0	0
Henderson	20023	I-69	ADDRESS PAVEMENT CONDITION OF I-069 BOTH DIRECTION(S) FROM MILEPOINT 142.146 TO MILEPOINT 148.09 (150.142 NON-CARDINAL)	PL DN RW UT CN	PM PM	640,000			
			Project Cost:			640,000	6,400,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Henderson county				PL					
				DN		50,640,000			
				RW				13,100,000	
				UT				10,300,000	
				CN		77,303,000	77,300,000	72,100,000	900,000
				Total Amounts:		127,943,000	77,300,000	95,500,000	900,000
Henry				PL					
	552	I-71	IMPROVE SAFETY AND REDUCE CONGESTION ON I-71 FROM KY-53 TO KY-153.	DN	FED	5,600,000			
				RW					
				UT					
				CN					
				Project Cost:		5,600,000	0	0	0
Henry				PL					
	8300	KY-146	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	DN					
				RW					
				UT					
				CN	SPP	14,800,000			
				Project Cost:		14,800,000	0	0	0
Total for Henry county				PL					
				DN		5,600,000			
				RW					
				UT					
				CN		14,800,000			
				Total Amounts:		20,400,000	0	0	0
Hopkins				PL					
	384	KY-281	IMPROVE KY-281 FROM ISLAND PARK DRIVE TO CARRIAGE LANE (KY-2281).	DN	FED	570,000			
				RW	FED		1,220,000		
				UT	FED		1,170,000		
				CN					
				Project Cost:		570,000	2,390,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Hopkins	804	PF-9999	CONSTRUCT CENTER ST CONNECTOR RD BEGIN AT CENTER ST/PROCEED TO CSX RR, SECT.1, 5,173 LI. FT.PROCEED THRU PORTION OF SECT. 2,END AT I-SECTION OF CONNECTOR RD BEING CONSTRUCTED WITH ISLAND FD DR.ALL	PL DN RW UT CN	FED FED	2,600,000		7,580,000	
			Project Cost:			2,600,000	0	7,580,000	0
Hopkins	8305	US-41	IMPROVE NORTH MAIN STREET FROM HOSPITAL DRIVE TO KY-281. (06CCN)(12CCR)(18CCR)	PL DN RW UT CN	FED		8,190,000		
			Project Cost:			0	8,190,000	0	0
Hopkins	20025	EB-9004	ADDRESS PAVEMENT CONDITION OF EDWARD T. BREATHITT PENNYRILE PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 32.825 TO MILEPOINT 34.256	PL DN RW UT CN	PM PM	170,000		1,700,000	
			Project Cost:			170,000	1,700,000	0	0
Hopkins	20029	I-69	ADDRESS PAVEMENT CONDITION OF I-069 BOTH DIRECTION(S) FROM MILEPOINT 114.254 TO MILEPOINT 117.936	PL DN RW UT CN	PM PM		290,000		
			Project Cost:			0	290,000	2,900,000	0
Hopkins	20031	I-69	ADDRESS PAVEMENT CONDITION OF I-069 BOTH DIRECTION(S) FROM MILEPOINT 124.946 TO MILEPOINT 133.677	PL DN RW UT CN	PM PM	875,000			
			Project Cost:			8,750,000	0	0	0

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Hopkins	20034	I-69	ADDRESS PAVEMENT CONDITION OF I-069 BOTH DIRECTION(S) FROM MILEPOINT 95.604 TO MILEPOINT 105.046	PL DN RW UT CN	PM	4,000,000			
			Project Cost:			4,000,000	0	0	0
Hopkins	20034.0001	I-69	ADDRESS PAVEMENT CONDITION OF I-069 BOTH DIRECTION(S) FROM MILEPOINT 95.604 TO MILEPOINT 105.046	PL DN RW UT CN	PM		3,600,000		
			Project Cost:			0	3,600,000	0	0
Total for Hopkins county				PL DN RW UT CN					
			Total Amounts:			1,615,000	290,000		
							1,220,000		
						2,600,000	1,170,000		
						12,750,000	13,490,000	10,480,000	
						16,965,000	16,170,000	10,480,000	0
Jackson	4404	KY-89	INSTALL GUARDRAIL ON KY-89 IN JACKSON COUNTY	PL DN RW UT CN	GR				40,000
			Project Cost:			0	0	0	40,000
JACKSON	80104	US-421	ADDRESS SUBSTARNDARD HORIZONTAL AND VERTICAL ALIGNMENT OF US 421 IN THE CLOVER BOTTOM AREA NEAR THE STONE QUARRY.	PL DN RW UT CN	SPP	3,032,000			
			Project Cost:			3,032,000	0	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
JACKSON	80105	US-421	ADDRESS SAFETY ISSUES WITH VERTICAL AND HORIZONTAL ALIGNMENT ON US 421 FROM MP 11.6 EAST OF PILGRIMS REST RD TO MP 12.6	PL DN RW UT CN	SPP SPP	724,000	4,516,000		
			Project Cost:			724,000	4,516,000	0	0
JACKSON	80106	US-421	ADDRESS SAFETY AND HORIZONTAL ALIGNMENT OF THE CURVE ON US 421 WITH ITS INTERSECTION AT KY 3443	PL DN RW UT CN	SPP SPP	547,000	1,746,000		
			Project Cost:			547,000	1,746,000	0	0
Total for JACKSON county				PL DN RW UT CN		1,271,000 3,032,000	6,262,000		40,000
			Total Amounts:			4,303,000	6,262,000	0	40,000
Jefferson	48.1	I-71	ADDITION OF NB AND SB AUXILIARY LANES ON I-71 NEAR KENNEDY, INCLUDING OPERATIONAL IMPROVEMENTS TO THE ZORN INTERCHANGE. (2004BOPC)	PL DN RW UT CN	FED FED FED	1,580,000 1,040,000		19,130,000	
			Project Cost:			2,620,000	0	19,130,000	0
Jefferson	64.0003	I-64	ADDRESS DEFICIENCIES ON I-64 SHERMAN MINTON BRIDGE OVER THE OHIO RIVER. (JOINT PROJECT WITH INDIANA)(056B00279N)(BSBP)	PL DN RW UT CN	BR	15,000,000			
			Project Cost:			15,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Jefferson	64.0004	I-64	ADDRESS DEFICIENCIES ON I-64 SHERMAN MINTON BRIDGE OVER THE OHIO RIVER. (JOINT PROJECT WITH INDIANA)(056B00279N)(BSBP)	PL DN RW UT CN	BR		16,000,000		
			Project Cost:			0	16,000,000	0	0
JEFFERSON	247.11	KY-1450	WIDEN BLUE LICK ROAD FROM SNYDER FREEWAY NORTH TO KY-61 (LOU T.I.P.) (SECTION 2) (RU-04DEOB)(08CCR)(12CCR) (16CCR)	PL DN RW UT CN	FED	5,500,000			
			Project Cost:			5,500,000	0	0	0
Jefferson	323.0101	KY-1931	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	FED	7,340,000			
			Project Cost:			7,340,000	0	0	0
Jefferson	371.1	KY-22	RECONSTRUCT KY-22 AT SPRINGCREST DRIVE. (06CCN) (2004BOPC)(14CCR)(EMERGENCY CULVERT REPLACEMENT AWARDED UNDER 5-371.12)	PL DN RW UT CN	FED	2,020,000			
			Project Cost:			2,020,000	0	0	0
Jefferson	531	KY-1932	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 RW UT CN	FED FED			710,000 630,000	
			Project Cost:			0	0	1,340,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Jefferson	554.0001	I-265	IMPROVE SAFETY AND REDUCE CONGESTION ON I-265 FROM I-65 TO US-31E.	PL DN RW UT CN	FED			3,000,000	
Project Cost:						0	0	3,000,000	0
Jefferson	557	I-71	IMPROVE SAFETY AND REDUCE CONGESTION ON I-71 FROM I-264 TO I-265.	PL DN RW UT CN	FED		4,000,000		
Project Cost:						0	4,000,000	0	0
Jefferson	558	I-265	IMPROVE SAFETY AND REDUCE CONGESTION ON I-265 FROM US-31E (BARDSTOWN RD) TO KY-155 (TAYLORSVILLE RD).	PL DN RW UT CN	FED FED FED	7,500,000			
Project Cost:						7,500,000	0	0	3,230,000
Jefferson	559	I-65	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-65/I-264 (WATTERSON EXPRESSWAY) INTERCHANGE.	PL DN RW UT CN	FED				3,000,000
Project Cost:						0	0	0	3,000,000
Jefferson	560	I-65	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-65/I-265 (GENE SNYDER FREEWAY) INTERCHANGE.	PL DN RW UT CN	FED				400,000
Project Cost:						0	0	0	400,000

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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 UT CN	FED	15,000,000			
			Project Cost:			15,000,000	0	0	0
Jefferson	804.0001	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 UT CN	FED		20,000,000		
			Project Cost:			0	20,000,000	0	0
Jefferson	804.0002	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 UT CN	FED			18,100,000	
			Project Cost:			0	0	18,100,000	0
Jefferson	808	KY-155	SAFETY PROJECT FOR RECONSTRUCTION OF TAYLORSVILLE ROAD AND SOUTH POPE LICK ROAD INTERSECTION AND BRIDGE OVER POPE LICK CREEK. (2016BOP)	PL DN RW UT CN	FED	5,000,000			
			Project Cost:			5,000,000	0	0	0
Jefferson	965.1903	CO-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	26,209,000			
			Project Cost:			26,209,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Jefferson	965.1904	CO-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		26,209,000		
			Project Cost:			0	26,209,000	0	0
Jefferson	965.1905	CO-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			26,209,000	
			Project Cost:			0	0	26,209,000	0
Jefferson	965.1906	CO-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				26,209,000
			Project Cost:			0	0	0	26,209,000
Jefferson	8810	KY-1931	THREE LANE WIDENING ALONG KY-1931 FROM THE DOSS HIGH SCHOOL ENTRANCE TO PALATKA ROAD, INCLUDING INTERSECTION IMPROVEMENTS WITH PALATKA ROAD AND TURN LANES. (14CCN)	PL DN RW UT CN	FED FED	4,330,000		5,290,000	
			Project Cost:			4,330,000	0	5,290,000	0
Jefferson	8855	I-265	ERECT SOUND WALL ON NORTH SIDE OF GENE SNYDER FREEWAY FROM MP 15.3 TO MP 16.10. (14CCN)(18CCN)	PL DN RW UT CN	SPP		3,000,000		
			Project Cost:			0	3,000,000	0	0

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Jefferson	8858	I-71	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) (16CCR)(18CCN)	PL DN RW UT CN	SPP		2,970,000		
			Project Cost:			0	2,970,000	0	0
Jefferson	8859	I-71	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE SOUTH SIDE OF I-71 FROM MP 7.5 TO MP 7.8. (14CCN)(16CCR)(18CCN)	PL DN RW UT CN	SPP	1,160,000			
			Project Cost:			1,160,000	0	0	0
Jefferson	8860	I-71	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE NORTH SIDE OF I-71 FROM MP 7.5 TO MP 8.7 FOR APPROX. 6400 FEET. (14CCN) (18CCN)	PL DN RW UT CN	SPP	2,310,000			
			Project Cost:			2,310,000	0	0	0
Jefferson	8908	KY-155	WIDEN TAYLORSVILLE ROAD TO 3 LANES FROM I-265 TO KY-148. (18CCN)	PL DN RW UT CN	FED  FED FED FED	1,000,000	500,000	15,930,000	
			Project Cost:			1,000,000	500,000	15,930,000	0
Jefferson	8952	US-60	WIDEN US 60 INCLUDING REALIGNMENT OF GILLILAND ROAD AND EASTWOOD CUTOFF (MP 14.7) TO ROCKCREST WAY (MP 15.1). (LOCALS WILL DO DESIGN FOR \$330,000). (16CCN) (18CCR)	PL DN RW UT CN	FED  FED FED FED	410,000	460,000		1,000,000
			Project Cost:			410,000	460,000	0	1,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
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. (16CCN)(18CCN)	PL DN RW UT CN	SPP	280,000			
Project Cost:						280,000	0	0	0
Jefferson	10016	CO-0	BRIDGE PAINTING OF I-64 RIVERSIDE EXPRESSWAY BRIDGES. (056B00298N,056B00299N,056B00300N,056B00 301N,056B00302N,056B00285N,056B00292N,05 6B00293N,056B00142N)	PL DN RW UT CN	BR		5,000,000		
Project Cost:						0	5,000,000	0	0
Jefferson	10016.0001	CO-0	BRIDGE PAINTING OF I-64 RIVERSIDE EXPRESSWAY BRIDGES. (056B00298N,056B00299N,056B00300N,056B00 301N,056B00302N,056B00285N,056B00292N,05 6B00293N,056B00142N)	PL DN RW UT CN	BR			15,000,000	
Project Cost:						0	0	15,000,000	0
Jefferson	10016.0002	CO-0	BRIDGE PAINTING OF I-64 RIVERSIDE EXPRESSWAY BRIDGES. (056B00298N,056B00299N,056B00300N,056B00 301N,056B00302N,056B00285N,056B00292N,05 6B00293N,056B00142N)	PL DN RW UT CN	BR				10,000,000
Project Cost:						0	0	0	10,000,000
Jefferson	20009	I-64	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 6 TO MILEPOINT 11.57	PL DN RW UT CN	PM	2,500,000			
Project Cost:						2,500,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Jefferson	20009.0001	I-64	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 6 TO MILEPOINT 11.57	PL DN RW UT CN	PM		3,250,000		
			Project Cost:			0	3,250,000	0	0
Jefferson	20010.0001	I-64	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-064 CARDINAL DIRECTION(S) FROM MILEPOINT 0.65 TO MILEPOINT 0.828	PL DN RW UT CN	PM	6,000,000			
			Project Cost:			6,000,000	0	0	0
Jefferson	20014	I-71	ADDRESS PAVEMENT CONDITION OF I-071 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 11.32	PL DN RW UT CN	PM	475,000			
			Project Cost:			475,000	2,400,000	0	0
Jefferson	20014.0001	I-71	ADDRESS PAVEMENT CONDITION OF I-071 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 11.32	PL DN RW UT CN	PM			2,350,000	
			Project Cost:			0	0	2,350,000	0
Jefferson	20016	I-264	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-264 BOTH DIRECTION(S) FROM MILEPOINT 12.7 TO MILEPOINT 18.41	PL DN RW UT CN	PM	5,000,000			
			Project Cost:			5,000,000	0	0	0



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Jefferson	20016.0001	I-264	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-264 BOTH DIRECTION(S) FROM MILEPOINT 12.7 TO MILEPOINT 18.41	PL DN RW UT CN	PM		6,500,000		
			Project Cost:			0	6,500,000	0	0
Jefferson	20017	I-264	ADDRESS PAVEMENT CONDITION OF I-264 BOTH DIRECTION(S) FROM MILEPOINT 20.7 TO MILEPOINT 22.927	PL DN RW UT CN	PM	450,000			
			Project Cost:			450,000	4,500,000	0	0
Jefferson	20022	KY-841	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			725,000	
			Project Cost:			0	0	725,000	7,250,000
Jefferson	20027	KY-1932	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM				50,000
			Project Cost:			0	0	0	550,000
Jefferson	20028	KY-1934	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			325,000	
			Project Cost:			0	0	325,000	3,250,000

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Jefferson	20030	KY-2048	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL					
				DN	PM			100,000	
				RW					
				UT					
				CN	PM			1,000,000	
			Project Cost:			0	0	1,100,000	0
Jefferson	80000	KY-1531	EASTWOOD FISHERSVILLE CONNECTOR TO I-64 (18CCN)	PL	SPP				
				DN	SPP	5,000,000			
				RW	SPP		8,000,000		
				UT	SPP			2,000,000	
				CN	SPP				45,000,000
			Project Cost:			5,000,000	8,000,000	2,000,000	45,000,000
Jefferson	80001	US-60	WIDEN US-60 TO 6 LANES FROM OLD SHELBYVILLE RD. TO NORTH ENGLISH STATION RD.(18CCN)	PL					
				DN					
				RW					
				UT	FED	720,000			
				CN	FED		15,000,000		
			Project Cost:			720,000	15,000,000	0	0
Jefferson	80002	CO-0	NEW INTERCHANGE ON I-64E EAST OF THE GENE SNYDER FREEWAY(18CCN)	PL	FED				650,000
				DN					
				RW					
				UT					
				CN					
			Project Cost:			0	0	0	650,000
Jefferson	80006	KY-841	CONSTRUCT NEW INTERCHANGE ON KY-841 AT THE RENAISSANCE SOUTH BUSINESS PARK(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED				14,070,000
			Project Cost:			0	0	0	14,070,000

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Jefferson	80052	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.(18CCN)	PL					
				DN	SPP	250,000			
				RW					
				UT					
				CN	SPP		3,210,000		
			Project Cost:			250,000	3,210,000	0	0
Jefferson	80053	US-31	RECONSTRUCT EAST MARKET (US-31E) FROM FIRST ST TO JOHNSON ST TO IMPROVE PEDESTRIAN SAFETY AND ENHANCE ECONOMIC DEVELOPMENT.(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	8,500,000			
			Project Cost:			8,500,000	0	0	0
JEFFERSON	80107		WIDEN AND IMPROVE BEUCHEL BANK RD FROM BEUCHEL BYPASS TO GE APPLIANCE PARK	PL					
				DN					
				RW					
				UT	SPP			800,000	
				CN	SPP				4,500,000
			Project Cost:			0	0	800,000	4,500,000
JEFFERSON	80108		WIDEN AND IMPROVE RANGELAND RD FROM POLAR LEVEL RDS TO SHEPHERDSVILLE RD	PL					
				DN					
				RW	SPP		1,250,000		
				UT	SPP			1,100,000	
				CN	SPP				3,500,000
			Project Cost:			0	1,250,000	1,100,000	3,500,000
JEFFERSON	80110		CONSTRUCT A SIDEWALK ALONG MT HOLLY RD FROM CHARLENE DR TO FOX AVE FOR CORAL RIDGE ELEMENTARY	PL					
				DN	SPP	150,000			
				RW	SPP		30,000		
				UT	SPP			30,000	
				CN	SPP				280,000
			Project Cost:			150,000	30,000	30,000	280,000

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JEFFERSON	80111	I-264	DESIGN AND CONSTRUCT A SOUND BARRIER ON WESTBOUND I 264 FROM MP 20.2 TO MP 20.7 FOR APPROX 2300 FEET.	PL					
				DN	SPP	150,000			
				RW					
				UT					
				CN	SPP		1,575,000		
				Project Cost:		150,000	1,575,000	0	0
Total for JEFFERSON county				PL					1,050,000
				DN		14,255,000	4,000,000	4,150,000	3,050,000
				RW		2,990,000	9,280,000	710,000	2,030,000
				UT		6,090,000	960,000	4,560,000	1,200,000
				CN		101,539,000	109,614,000	103,009,000	115,559,000
				Total Amounts:		124,874,000	123,854,000	112,429,000	122,889,000
JESSAMINE	87.2001	PF-9999	EAST NICHOLASVILLE BYPASS SECTION IA: IMPROVE CONNECTIVITY AND MOBILITY EAST AROUND NICHOLASVILLE FROM SOUTH OF KY-39 TO NORTH OF KY-169.	PL					
				DN					
				RW					
				UT					
				CN	FED	9,900,000			
				Project Cost:		9,900,000	0	0	0
Jessamine	414	KY-1980	IMPROVE ROADWAY GEOMETRICS, TYPICAL SECTION, AND ROADWAY HAZARDS ON KY 1980 (BRANNON RD) FROM US 68 (HARRODSBURG RD) TO US 27 (NICHOLASVILLE RD)(12CCR)(18CCN)	PL					
				DN					
				RW	FED	5,500,000			
				UT	FED	5,000,000			
				CN	FED				16,880,000
				Project Cost:		10,500,000	0	0	16,880,000
Jessamine	915	US-68	IMPROVE INTERSECTION OF KY-29 NORTH OF WILMORE.(16CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	1,200,000			
				Project Cost:		1,200,000	0	0	0

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Total for Jessamine county				PL					
				DN					
				RW		5,500,000			
				UT		5,000,000			
				CN		11,100,000			16,880,000
			Total Amounts:			21,600,000	0	0	16,880,000
Johnson	149	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY FROM GARBAGE HOLLOW TO EAST OF MILL STREET.	PL					
				DN	SPP	865,000			
				RW	SPP		2,894,000		
				UT	SPP			3,375,000	
				CN	SPP				8,189,000
			Project Cost:			865,000	2,894,000	3,375,000	8,189,000
JOHNSON	194	KY-40	ADDRESS GEOMETRIC AND SAFETY ISSUES AND FUTURE CONGESTION MITIGATION ON KY 40 FROM 0.10 MILE WEST OF TEAYS BR. ROAD TO 0.10 MILE EAST OF TEAYS BR. ROAD. (12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,300,000			
			Project Cost:			2,300,000	0	0	0
Johnson	4338	KY-172	INSTALL GUARDRAIL ON KY-172 IN JOHNSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	106,000			
			Project Cost:			106,000	0	0	0
Johnson	4339	KY-2039	INSTALL GUARDRAIL ON KY-2039 IN JOHNSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	106,000			
			Project Cost:			106,000	0	0	0

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Johnson	4340	KY-3224	INSTALL GUARDRAIL ON KY-3224 IN JOHNSON COUNTY	PL DN RW UT CN	GR	71,000			
			Project Cost:			71,000	0	0	0
Johnson	4341	KY-3224	INSTALL GUARDRAIL ON KY-3224 IN JOHNSON COUNTY	PL DN RW UT CN	GR	71,000			
			Project Cost:			71,000	0	0	0
Johnson	4391	KY-1092	INSTALL GUARDRAIL ON KY-1092 IN JOHNSON COUNTY	PL DN RW UT CN	GR			106,000	
			Project Cost:			0	0	106,000	0
Johnson	4392	KY-201	INSTALL GUARDRAIL ON KY-201 IN JOHNSON COUNTY	PL DN RW UT CN	GR			89,000	
			Project Cost:			0	0	89,000	0
Johnson	4393	KY-40	INSTALL GUARDRAIL ON KY-40 IN JOHNSON COUNTY	PL DN RW UT CN	GR			105,000	
			Project Cost:			0	0	105,000	0

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Johnson	4394	KY-580	INSTALL GUARDRAIL ON KY-580 IN JOHNSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			106,000	
			Project Cost:			0	0	106,000	0
Johnson	4433	KY-3387	INSTALL GUARDRAIL ON KY-3387 IN JOHNSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				64,000
			Project Cost:			0	0	0	64,000
JOHNSON	8102	KY-321	ADDRESS CONGESTION AND SAFETY ISSUES ON KY 321 FROM THE 6TH STREET TO THE JUNCTION OF KY 321 AND KY 40	PL	SPP	324,000			
				DN	SPP	1,379,000			
				RW	SPP		4,920,000		
				UT	SPP			2,475,000	
				CN	SPP				29,078,000
			Project Cost:			1,703,000	4,920,000	2,475,000	29,078,000
JOHNSON	80100	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY ON KY 40 FROM KY 321 TO GARBAGE HOLLOW	PL					
				DN	SPP	811,000			
				RW	SPP		579,000		
				UT	SPP			7,019,000	
				CN	SPP				9,253,000
			Project Cost:			811,000	579,000	7,019,000	9,253,000
Total for JOHNSON county				PL		324,000			
				DN		3,055,000			
				RW			8,393,000		
				UT				12,869,000	
				CN		2,654,000		406,000	46,584,000
			Total Amounts:			6,033,000	8,393,000	13,275,000	46,584,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Kenton	17.05	I-75	KY 143 HPP EARMARK "ADDRESS DEFICIENCIES OF BRENT SPENCE BRIDGE, KENTON COUNTY, KENTUCKY". (2005HPP-KY143)(SEE 6-17.04 FOR ADDITIONAL 2005HPP FUNDING)(SD)	PL DN RW UT CN	HPP	1,439,840			
			Project Cost:			1,439,840	0	0	0
Kenton	162.1	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-1303 FROM KY-536 TO BEECHGROVE ELEMENTARY (PRIORITY SECTION 4). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(16CCR)(18CCR)	PL DN RW UT CN	FED FED	4,110,000	11,560,000		
			Project Cost:			4,110,000	11,560,000	0	0
Kenton	162.3	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM KY 1303 TO WILLIAMSWOOD ROAD/CALVARY DRIVE (PRIORITY SECTION 2). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCN)	PL DN RW UT CN	FED	16,230,000			
			Project Cost:			16,230,000	0	0	0
Kenton	162.4	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM WILLIAMSWOOD ROAD/CALVARY DRIVE TO KY-17 (PRIORITY SECTION 3). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCR)	PL DN RW UT CN	FED FED	1,760,000	23,790,000		
			Project Cost:			1,760,000	23,790,000	0	0
Kenton	449	KY-17	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-17 AT THE I-275 INTERCHANGE. (18CCR)	PL DN RW UT CN	FED			3,790,000	
			Project Cost:			0	0	3,790,000	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Kenton	450.0001	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-1303 (TURKEYFOOT RD) FROM DUDLEY RD TO US-25 (DIXIE HWY). (18CCR)	PL DN RW UT CN	FED	2,600,000			
			Project Cost:			2,600,000	0	0	0
Kenton	1086	KY-8	ADDRESS DEFICIENCIES OF BRIDGE OVER LICKING RIVER ON WEST 4TH STREET (KY 8) IN COVINGTON/NEWPORT AT KENTON/CAMPBELL CO LN. (059B00037N) *CAMPBELL CO MPS ARE 0.0-0.19	PL DN RW UT CN	FED FED	2,690,000	1,270,000		
			Project Cost:			2,690,000	1,270,000	0	0
Kenton	4313	KY-3716	INSTALL GUARDRAIL ON KY-3716 IN KENTON COUNTY	PL DN RW UT CN	GR		11,000		
			Project Cost:			0	11,000	0	0
Kenton	4316	KY-8	INSTALL GUARDRAIL ON KY-8 IN KENTON COUNTY	PL DN RW UT CN	GR				51,000
			Project Cost:			0	0	0	51,000
Kenton	8951	US-25	IMPROVE EXISTING ALIGNMENT WITH BUTTERMILK PIKE, ORPHANAGE ROAD, AND US 25. FT. MITCHELL WILL PAY \$50,000 TOWARD DESIGN. (16CCN)(18CCN)	PL DN RW UT CN	FED FED		2,340,000	5,000,000	
			Project Cost:			0	2,340,000	5,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Kenton	20031	I-75	ADDRESS PAVEMENT CONDITION OF I-075 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 166.263 TO MILEPOINT 169.439	PL DN RW UT CN	PM	1,900,000			
			Project Cost:			1,900,000	0	0	0
Kenton	20031.0001	I-75	ADDRESS PAVEMENT CONDITION OF I-075 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 166.263 TO MILEPOINT 169.439	PL DN RW UT CN	PM		2,000,000		
			Project Cost:			0	2,000,000	0	0
Kenton	20037	I-275	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 77.759 TO MILEPOINT 79.796	PL DN RW UT CN	PM	725,000			
			Project Cost:			725,000	3,250,000	0	0
Kenton	20037.0001	I-275	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 77.759 TO MILEPOINT 79.796	PL DN RW UT CN	PM			4,000,000	
			Project Cost:			0	0	4,000,000	0
Kenton	20040	KY-16	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM		400,000		
			Project Cost:			0	400,000	2,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Kenton	20040.0001	KY-16	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL					
				DN					
				RW					
				UT					
				CN	PM				2,000,000
			Project Cost:			0	0	0	2,000,000
Kenton	20044	KY-236	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL					
				DN	PM				30,000
				RW					
				UT					
				CN	PM				300,000
			Project Cost:			0	0	0	330,000
Kenton	20045	KY-1072	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL					
				DN	PM			20,000	
				RW					
				UT					
				CN	PM			200,000	
			Project Cost:			0	0	220,000	0
Kenton	20046	US-25	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL					
				DN	PM		125,000		
				RW					
				UT					
				CN	PM		1,250,000		
			Project Cost:			0	1,375,000	0	0
Kenton	80002	KY-236	RECONSTRUCT KY 236 (STEVENSON ROAD) FROM ALICE STREET TO JACQUELINE DRIVE. (18CCN)	PL					
				DN					
				RW					
				UT	SPP	1,630,000			
				CN	SPP		6,450,000		
			Project Cost:			1,630,000	6,450,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
KENTON	80105	KY-2373	WIDEN KENTON LANDS ROAD FROM US 25 TO RIGGS ROAD	PL					
				DN	SPP	3,000,000			
				RW	SPP		13,100,000		
				UT	SPP			2,600,000	
				CN	SPP				20,000,000
			Project Cost:			3,000,000	13,100,000	2,600,000	20,000,000
KENTON	80106	I-75	IMPROVE NORTHBOUND ENTRANCE RAMP ONTO I 75 FROM KYLES LANE (KY 1072)	PL					
				DN					
				RW	SPP	1,275,000			
				UT	SPP		250,000		
				CN	SPP			5,180,000	
			Project Cost:			1,275,000	250,000	5,180,000	0
Total for KENTON county				PL					
				DN		3,725,000	525,000	20,000	30,000
				RW		3,965,000	13,100,000		
				UT		10,100,000	3,860,000	2,600,000	
				CN		19,569,840	48,311,000	20,170,000	22,351,000
			Total Amounts:			37,359,840	65,796,000	22,790,000	22,381,000
Knott	4342	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	50,000			
			Project Cost:			50,000	0	0	0
Knott	4357	KY-160	INSTALL GUARDRAIL ON KY-160 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		5,000		
			Project Cost:			0	5,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Knott	4375	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		63,000		
			Project Cost:			0	63,000	0	0
Knott	4376	KY-3391	INSTALL GUARDRAIL ON KY-3391 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		82,000		
			Project Cost:			0	82,000	0	0
Knott	4377	KY-550	INSTALL GUARDRAIL ON KY-550 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		32,000		
			Project Cost:			0	32,000	0	0
Knott	4378	KY-582	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		82,000		
			Project Cost:			0	82,000	0	0
Knott	4395	KY-2102	INSTALL GUARDRAIL ON KY-2102 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			186,000	
			Project Cost:			0	0	186,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Knott	4396	KY-2102	INSTALL GUARDRAIL ON KY-2102 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			131,000	
			Project Cost:			0	0	131,000	0
Knott	4397	KY-7	INSTALL GUARDRAIL ON KY-7 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			99,000	
			Project Cost:			0	0	99,000	0
Knott	4398	KY-7	INSTALL GUARDRAIL ON KY-7 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			92,000	
			Project Cost:			0	0	92,000	0
Knott	4434	KY-3391	INSTALL GUARDRAIL ON KY-3391 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				52,000
			Project Cost:			0	0	0	52,000
Knott	4435	KY-582	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				22,000
			Project Cost:			0	0	0	22,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
KNOTT	8200	KY-1231	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	SPP		4,660,000		
			Project Cost:			0	4,660,000	0	0
Total for KNOTT county				PL DN RW UT CN		50,000	4,924,000	508,000	74,000
			Total Amounts:			50,000	4,924,000	508,000	74,000
Knox	4333	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL DN RW UT CN	GR	39,000			
			Project Cost:			39,000	0	0	0
Knox	4345	KY-2418	INSTALL GUARDRAIL ON KY-2418 IN KNOX COUNTY	PL DN RW UT CN	GR		22,000		
			Project Cost:			0	22,000	0	0
Knox	4355	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL DN RW UT CN	GR		17,000		
			Project Cost:			0	17,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Knox	4356	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		33,000		
			Project Cost:			0	33,000	0	0
Knox	4357	KY-3438	INSTALL GUARDRAIL ON KY-3438 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		13,000		
			Project Cost:			0	13,000	0	0
Knox	4373	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			28,000	
			Project Cost:			0	0	28,000	0
Knox	4374	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			3,000	
			Project Cost:			0	0	3,000	0
Knox	4376	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			5,000	
			Project Cost:			0	0	5,000	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Knox	4377	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			7,000	
			Project Cost:			0	0	7,000	0
Knox	4378	KY-229	INSTALL GUARDRAIL ON KY-229 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			7,000	
			Project Cost:			0	0	7,000	0
Knox	4379	KY-3438	INSTALL GUARDRAIL ON KY-3438 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			11,000	
			Project Cost:			0	0	11,000	0
Knox	4405	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				29,000
			Project Cost:			0	0	0	29,000
Knox	4406	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				44,000
			Project Cost:			0	0	0	44,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Knox	80009	US-25	CONDUCT A TRAFFIC SAFETY STUDY ON US 25E AT HEIDRICK, KY IN KNOX COUNTY.(18CCN)	PL	SPP	50,000			
				DN					
				RW					
				UT					
				CN					
			Project Cost:			50,000	0	0	0
KNOX	80155	KY 1487	IMPROVE SAFETY, ADDRESS GEOMETRIC DEFICIENCIES AND PROVIDE FLOOD MITIGATION ON KY 1487 (MANCHESTER STREET) FROM JUDGE STREET TO US 25E	PL					
				DN					
				RW					
				UT					
				CN	SPP	5,500,000			
			Project Cost:			5,500,000	0	0	0
Total for KNOX county				PL		50,000			
				DN					
				RW					
				UT					
				CN		5,539,000	85,000	61,000	73,000
			Total Amounts:			5,589,000	85,000	61,000	73,000
Larue	4314	US-31	INSTALL GUARDRAIL ON US-31 IN LARUE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		10,000		
			Project Cost:			0	10,000	0	0
Larue	8909	KY-84	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 84 FROM KY 357 TO KY 61 (LINCOLN PARKWAY) NEAR HODGINSVILLE	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,820,000			
			Project Cost:			1,820,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
LARUE	8912	KY-210	ADDRESS SAFETY AND TRAVEL TIME RELIABILITY ALONG KY 210 FROM CAMPBELLSVILLE TO HODGENVILLE	PL DN RW UT CN	  SPP SPP SPP	  500,000 2,500,000  	    32,000,000	    	    
			Project Cost:			3,000,000	32,000,000	0	0
LARUE	80154	KY-210	ADDRESS SAFETY BY IMPROVING EXISTING ALIGNMENT IN SPOTS AND ADD PASSING LANES ALONG KY 210 FROM CAMPBELLSVILLE TO HODGENVILLE. MILEPOINTS 0-14.148 AND 6.994-16.613 AND 0-0.750 IN TAYLOR, LARUE,	PL DN RW UT CN	  FED FED FED	  500,000 2,500,000  	    32,000,000	    	    
			Project Cost:			3,000,000	0	32,000,000	0
Total for LARUE county				PL DN RW UT CN		  1,000,000 5,000,000  	    32,010,000	    32,000,000	    
			Total Amounts:			7,820,000	32,010,000	32,000,000	0
Laurel	147	US-25	REDUCE CONGESTION ON US-25 FROM KY-1006 TO KY-2069; IMPROVE CONNECTIVITY FROM US-25 NEAR KY-2069 TO KY-229; IMPROVE KY-229 FROM THE NEW CONNECTOR NORTH TO KY-192; AND IMPROVE ACCESS TO THE	PL DN RW UT CN	    FED	    	    5,000,000	    	    
			Project Cost:			0	5,000,000	0	0
Laurel	147.0001	US-25	REDUCE CONGESTION ON US-25 FROM KY-1006 TO KY-2069; IMPROVE CONNECTIVITY FROM US-25 NEAR KY-2069 TO KY-229; IMPROVE KY-229 FROM THE NEW CONNECTOR NORTH TO KY-192; AND IMPROVE ACCESS TO THE	PL DN RW UT CN	    FED FED	    1,290,000	    	    26,640,000	    
			Project Cost:			1,290,000	0	26,640,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Laurel	185	US-25	IMPROVE SAFETY, IMPROVE ACCESS MANAGEMENT, AND REDUCE CONGESTION ON US-25E FROM THE KNOX/LAUREL COUNTY LINE TO KY-770 (12CCR)(16CCR)	PL DN RW UT CN	FED	5,000,000			
			Project Cost:			5,000,000	0	0	0
Laurel	185.0001	US-25	IMPROVE SAFETY, IMPROVE ACCESS MANAGEMENT, AND REDUCE CONGESTION ON US-25E FROM THE KNOX/LAUREL COUNTY LINE TO KY-770 (12CCR)(16CCR)	PL DN RW UT CN	FED		10,000,000		
			Project Cost:			0	10,000,000	0	0
Laurel	365	HR-9006	REDUCE CONGESTION ON THE HAL ROGERS PARKWAY FROM RELOCATED KY-30 TO KY-192. (18CCR)	PL DN RW UT CN	FED FED	1,250,000	5,080,000		
			Project Cost:			1,250,000	5,080,000	0	0
Laurel	4334	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL DN RW UT CN	GR	20,000			
			Project Cost:			20,000	0	0	0
Laurel	4380	KY-2041	INSTALL GUARDRAIL ON KY-2041 IN LAUREL COUNTY	PL DN RW UT CN	GR			22,000	
			Project Cost:			0	0	22,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Laurel	4381	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL DN RW UT CN	GR			13,000	
			Project Cost:			0	0	13,000	0
Laurel	4382	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL DN RW UT CN	GR			17,000	
			Project Cost:			0	0	17,000	0
Laurel	4383	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL DN RW UT CN	GR			8,000	
			Project Cost:			0	0	8,000	0
Laurel	4407	KY-363	INSTALL GUARDRAIL ON KY-363 IN LAUREL COUNTY	PL DN RW UT CN	GR				142,000
			Project Cost:			0	0	0	142,000
Laurel	8515	US-25	IMPROVE CONNECTIVITY BETWEEN CORBIN AND LONDON FROM KY-1006 TO US-25E. (08CCN)	PL DN RW UT CN	FED	2,080,000			
			Project Cost:			2,080,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Laurel	8909	HR-9006	IMPROVE THE HAL ROGERS PARKWAY TO INTERSTATE STANDARDS FROM 4.0 MI EAST OF KY 192 TO LAUREL/CLAY CO. LINE. (I-75 TO HAZARD) (16CCN)(18CCR)	PL					
				DN	FED	1,040,000			
				RW	FED		2,550,000		
				UT	FED			1,170,000	
				CN	FED				32,850,000
			Project Cost:			1,040,000	2,550,000	1,170,000	32,850,000
Laurel	20012	I-75	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 41.4 TO MILEPOINT 50.524 (49.87 NON-CARDINAL)	PL					
				DN	PM			1,100,000	
				RW					
				UT					
				CN	PM				5,500,000
			Project Cost:			0	0	1,100,000	5,500,000
LAUREL	80110	HR-9006	ADDRESS ACCESS AND SAFETY ISSUES AT THE INTERSECTION OF KY 80 AND PAYNE TRAIL AND BUSH ELEMENTARY SCHOOL BY BUILDING A CONNECTOR RD FROM HAL ROGERS PARKWAY TO KY 6264	PL					
				DN					
				RW					
				UT					
				CN	SPP	562,000			
			Project Cost:			562,000	0	0	0
LAUREL	80154	HR 9006	ADDRESS ACCESS AND SAFETY ISSUES AT THE INTERSECTION OF KY 80 AND PAYNE TRAIL AND BUSH ELEMENTARY SCHOOL BY CONSTRUCTING A CONNECTOR ROAD FROM HAL ROGERS PARKWAY (HR 9006) TO KY 6264	PL					
				DN					
				RW					
				UT					
				CN	SPP	562,000			
			Project Cost:			562,000	0	0	0
Total for LAUREL county				PL					
				DN		3,120,000		1,100,000	
				RW			2,550,000		
				UT		2,540,000		1,170,000	
				CN		6,144,000	20,080,000	26,700,000	38,492,000
				Total Amounts:		11,804,000	22,630,000	28,970,000	38,492,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Lawrence	3	PF-9999	CONSTRUCT A NEW ROADWAY TO CONNECT BETWEEN KY 3215 TO KY 1185 AT YATESVILLE LAKE. (12CCR)(14CCR)	PL DN RW UT CN	FED FED	730,000		25,180,000	
			Project Cost:			730,000	0	25,180,000	0
Lawrence	4343	KY-201	INSTALL GUARDRAIL ON KY-201 IN LAWRENCE COUNTY	PL DN RW UT CN	GR	64,000			
			Project Cost:			64,000	0	0	0
Lawrence	4379	KY-201	INSTALL GUARDRAIL ON KY-201 IN LAWRENCE COUNTY	PL DN RW UT CN	GR		74,000		
			Project Cost:			0	74,000	0	0
Lawrence	4399	KY-644	INSTALL GUARDRAIL ON KY-644 IN LAWRENCE COUNTY	PL DN RW UT CN	GR			74,000	
			Project Cost:			0	0	74,000	0
Lawrence	4400	KY-644	INSTALL GUARDRAIL ON KY-644 IN LAWRENCE COUNTY	PL DN RW UT CN	GR			89,000	
			Project Cost:			0	0	89,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Lawrence	4436	KY-1690	INSTALL GUARDRAIL ON KY-1690 IN LAWRENCE COUNTY	PL DN RW UT CN	GR				74,000
			Project Cost:			0	0	0	74,000
LAWRENCE	8701	KY-581	REPLACE THE GEORGES CREEK BRIDGE. (12CCN)	PL DN RW UT CN	SPP SPP SPP SPP	500,000	50,000 165,000	1,550,000	
			Project Cost:			500,000	215,000	1,550,000	0
LAWRENCE	80103	KY-201	REPAVE KY 201 FROM MP 5.0 TO 10.9	PL DN RW UT CN	PM				675,000
			Project Cost:			0	0	0	675,000
LAWRENCE	80104	KY-32	REPAVE KY 32 FROM MP 21.0 TO 23.0	PL DN RW UT CN	PM	300,000			
			Project Cost:			300,000	0	0	0
LAWRENCE	80105	ROUTE 3	REPAVE ROUTE 3 SOUTH FROM MP 12.58 TO MP 0 AND PLACE GUARD RAILS ON FALLS HILL	PL DN RW UT CN	SPP				1,700,000
			Project Cost:			0	0	0	1,700,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
LAWRENCE	80106	ROUTE 3	REPAVE ROUTE 3 NORTH FROM MP 17 TO MP 29.6	PL					
				DN					
				RW					
				UT					
				CN	SPP				1,600,000
			Project Cost:			0	0	0	1,600,000
LAWRENCE	80107	KY-1690	REPAVE KY 1690 FROM MP 4.3 TO MP 6.3 AND PLACE GUARD RAILS ON RICHARDSON HILL	PL					
				DN					
				RW					
				UT					
				CN	SPP				200,000
			Project Cost:			0	0	0	200,000
LAWRENCE	80108	KY-644	PLACE LIGHTING AT INTERSECTION OF KY 644 AND KY 2565	PL					
				DN	SPP	20,000			
				RW					
				UT	SPP			10,000	
				CN	SPP				200,000
			Project Cost:			20,000	0	10,000	200,000
LAWRENCE	80109	KY-2565	PLACE LIGHTING AT INTERSECTION OF CLAYTON LN AND INDUSTRIAL PARK AT MP 2.153	PL					
				DN	SPP	30,000			
				RW					
				UT					
				CN	SPP				90,000
			Project Cost:			30,000	0	0	90,000
LAWRENCE	80110	KY-581	REPLACE BRIDGE ON KY 581 0.5 MILES FROM THE INTERSECTION OF US 23	PL					
				DN	SPP	500,000			
				RW	SPP		50,000		
				UT	SPP			165,000	
				CN	SPP				1,550,000
			Project Cost:			500,000	50,000	165,000	1,550,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
LAWRENCE	80111	ROUTE 3	ADD SIDEWALKS AND CORRECT DRAINAGE ISSUES ON ROUTE 3 NORTH FROM MP 14.9 TO MP 14.2	PL					
				DN	SPP	100,000			
				RW	SPP		50,000		
				UT	SPP			185,000	
				CN	SPP				950,000
			Project Cost:			100,000	50,000	185,000	950,000
LAWRENCE	80112		CONSTRUCT NEW ROUTE CONNECTING MAIN MARINA TO GOLF COURSE AND CAMPGROUND	PL					
				DN	SPP	1,352,000			
				RW	SPP		2,067,000		
				UT	SPP			1,487,000	
				CN	SPP				16,144,000
			Project Cost:			1,352,000	2,067,000	1,487,000	16,144,000
Total for LAWRENCE county				PL					
				DN		2,502,000			
				RW			2,217,000		
				UT		730,000	165,000	1,847,000	
				CN		364,000	74,000	26,893,000	23,183,000
			Total Amounts:			3,596,000	2,456,000	28,740,000	23,183,000
LEE	292.1002	KY-11	I-75 TO MOUNTAIN PARKWAY; RECONSTRUCT KY-11 FROM KY-30 AT LEVI IN OWSLEY COUNTY TO 0.5 MILE SOUTH OF KY-587 IN LEE COUNTY. START AT KY-30 AT LEVI IN OWSLEY MOVING NORTH. (06CCR)(10CCR)(14CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	8,100,000			
			Project Cost:			8,100,000	0	0	0
LEE	80102	KY-11	EXTEND TWO WAY LEFT TURNING LANE FROM .047 MILES NORTH OF LEE COUNTY SENIOR CITIZENS CENTER TO .103 MILES SOUTH OF GRAND AVE	PL					
				DN	SPP	100,000			
				RW	SPP		25,000		
				UT	SPP			100,000	
				CN	SPP				500,000
			Project Cost:			100,000	25,000	100,000	500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
LEE	80103	KY-11	ADD TURN LANE AT THE INTERSECTION OF KY 11 AND KY 498	PL					
				DN	SPP	100,000			
				RW	SPP		25,000		
				UT	SPP			50,000	
				CN	SPP				250,000
			Project Cost:			100,000	25,000	50,000	250,000
LEE	80104	KY-399	RECONSTRUCT ALONG KY 399 BETWEEN MP 5.75 AND 6.2	PL					
				DN	SPP	500,000			
				RW	SPP		200,000		
				UT	SPP			100,000	
				CN	SPP				1,000,000
			Project Cost:			500,000	200,000	100,000	1,000,000
Total for LEE county				PL					
				DN		700,000			
				RW			250,000		
				UT				250,000	
				CN		8,100,000			1,750,000
			Total Amounts:			8,800,000	250,000	250,000	1,750,000
Leslie	4408	US-421	INSTALL GUARDRAIL ON US-421 IN LESLIE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				99,000
			Project Cost:			0	0	0	99,000
Leslie	8516	KY-1482	CONSTRUCT A NEW APPROACH FROM KY-1482 ONTO THE HAL ROGERS PARKWAY AT MP 39. (08CCN)(10CCR)(2011BOPP)(18CCN)	PL					
				DN					
				RW					
				UT	SPP	460,000			
				CN	SPP		6,860,000		
			Project Cost:			460,000	6,860,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
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). (16CCN)(18CCN)	PL					
				DN	FED	1,000,000			
				RW	FED			12,000,000	
				UT	FED			9,000,000	
				CN					
				Project Cost:		1,000,000	0	21,000,000	0
Leslie	8913	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM HYDEN SPUR TO LESLIE/PERRY LINE (SEGMENT 10). (16CCN)(18CCN)	PL					
				DN	FED	1,000,000			
				RW	FED			10,000,000	
				UT	FED			7,000,000	
				CN					
				Project Cost:		1,000,000	0	17,000,000	0
Leslie	8951	US-421	CONSTRUCT RIGHT TURN LANE ON US 421 AT INTERSECTION WITH KY 80. (16CCN)(18CCN)	PL					
				DN	SPP	520,000			
				RW	SPP		120,000		
				UT	SPP		280,000		
				CN	SPP			1,300,000	
				Project Cost:		520,000	400,000	1,300,000	0
Leslie	80002	KY-3424	SAFETY IMPROVEMENTS ON KY 3424 FROM MP 1.1 TO MP 1.5.(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP			1,300,000	
				Project Cost:		0	0	1,300,000	0
Leslie	80003	KY-2009	INSTALL NEW GUARDRAIL ON KY 2009 FROM MP 13.418 TO MP 14.767.(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	500,000			
				Project Cost:		500,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Leslie	80004	KY-1482	INSTALL NEW GUARDRAIL ON KY 1482 FROM MP 0 TO MP 1.9.(18CCN)	PL DN RW UT CN	SPP		110,000		
Project Cost:						0	110,000	0	0
Leslie	80005	KY-257	INSTALL NEW GUARDRAIL ON KY 257 FROM MP 5.723 TO MP 5.853.(18CCN)	PL DN RW UT CN	SPP		30,000		
Project Cost:						0	30,000	0	0
Leslie	80006	KY-1807	INSTALL NEW GUARDRAIL ON KY 1807 FROM MP 0.914 TO MP 1.256.(18CCN)	PL DN RW UT CN	SPP		50,000		
Project Cost:						0	50,000	0	0
Leslie	80007	KY-118	CONSTRUCT A SECONDARY RUNAWAY TRUCK RAMP ON KY 118 (HYDEN SPUR) JUST BEFORE THE INTERSECTION WITH KY 80/US 421 TO INCLUDE A NEW BOX CULVERT OR BRIDGE AT THE INTERSECTION(18CCN)	PL DN RW UT CN	SPP SPP SPP SPP	550,000	410,000 90,000	1,470,000	
Project Cost:						550,000	500,000	1,470,000	0
Total for Leslie county				PL DN RW UT CN		3,070,000 460,000 500,000	530,000 370,000 7,050,000	22,000,000 16,000,000 4,070,000	99,000
Total Amounts:						4,030,000	7,950,000	42,070,000	99,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Letcher	199.1	US-119	IMPROVE US-119 FROM NORTH OF KY-15 TO BRASS DRIVE (SOUTH).(16CCN)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED		10,060,000		
			Project Cost:			0	10,060,000	0	0
Letcher	199.1501	US-119	IMPROVE US-119 FROM KY 2034/COUGAR DRIVE TO BRASS DRIVE (SOUTH).(16CCN)(SEE 12-199.10 FOR D, R, U)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	6,275,000			
			Project Cost:			6,275,000	0	0	0
Letcher	199.5	US-119	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. (16CCN)	PL					
				DN					
				RW	FED			3,311,000	
				UT	FED			1,294,000	
				CN	FED				18,340,000
			Project Cost:			0	0	4,605,000	18,340,000
Letcher	4344	KY-588	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	92,000			
			Project Cost:			92,000	0	0	0
Letcher	4345	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	44,000			
			Project Cost:			44,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Letcher	4346	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	13,000			
			Project Cost:			13,000	0	0	0
Letcher	4358	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		102,000		
			Project Cost:			0	102,000	0	0
Letcher	4359	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		102,000		
			Project Cost:			0	102,000	0	0
Letcher	4360	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		152,000		
			Project Cost:			0	152,000	0	0
Letcher	4361	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		55,000		
			Project Cost:			0	55,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Letcher	4362	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		11,000		
			Project Cost:			0	11,000	0	0
Letcher	4380	KY-588	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		86,000		
			Project Cost:			0	86,000	0	0
Letcher	4402	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			82,000	
			Project Cost:			0	0	82,000	0
Letcher	4403	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			82,000	
			Project Cost:			0	0	82,000	0
Letcher	4404	KY-932	INSTALL GUARDRAIL ON KY-932 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			26,000	
			Project Cost:			0	0	26,000	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Letcher	4437	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				107,000
			Project Cost:			0	0	0	107,000
Letcher	4438	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				88,000
			Project Cost:			0	0	0	88,000
Letcher	4439	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				57,000
			Project Cost:			0	0	0	57,000
Letcher	4440	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				94,000
			Project Cost:			0	0	0	94,000
Letcher	4441	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				67,000
			Project Cost:			0	0	0	67,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Letcher	4442	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				53,000
			Project Cost:			0	0	0	53,000
Letcher	4443	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				59,000
			Project Cost:			0	0	0	59,000
Letcher	4444	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				66,000
			Project Cost:			0	0	0	66,000
Letcher	4445	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				41,000
			Project Cost:			0	0	0	41,000
Letcher	4446	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				75,000
			Project Cost:			0	0	0	75,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Letcher	4447	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				54,000
			Project Cost:			0	0	0	54,000
Letcher	4448	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				25,000
			Project Cost:			0	0	0	25,000
LETCHER	80114	KY-3401	INSTALL A LEFT TURN AT INTERSECTION OF KY 15 AND KY 3401	PL					
				DN	SPP	185,000			
				RW	SPP		30,000		
				UT	SPP			20,000	
				CN	SPP				750,000
			Project Cost:			185,000	30,000	20,000	750,000
LETCHER	80115	KY-463	INSTALL A GUARD RAIL ON KY 462 NEAR GORDON PARK	PL					
				DN					
				RW					
				UT					
				CN	GR				11,000
			Project Cost:			0	0	0	11,000
Total for LETCHER county				PL					
				DN		185,000			
				RW			30,000	3,311,000	
				UT				1,314,000	
				CN		6,424,000	10,568,000	190,000	19,887,000
Total Amounts:						6,609,000	10,598,000	4,815,000	19,887,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Lewis	231		NEW ROUTE FROM VANCEBURG TO KY-59 FROM POLLITT LANE IN VANCEBURG (ALT. 5B1-2 PER PLANNING STUDY).	PL					
				DN					
				RW	FED	2,500,000			
				UT	FED	1,500,000			
				CN	FED		40,000,000		
			Project Cost:			4,000,000	40,000,000	0	0
Lewis	4324	KY-8	INSTALL GUARDRAIL ON KY-8 IN LEWIS COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				64,000
			Project Cost:			0	0	0	64,000
Lewis	8806.1	KY-8	RECONSTRUCT KY-8 FROM KY-8C IN GARRISON TO SCAFFOLD LICK ROAD.(16CCN)(18CCN)	PL					
				DN	SPP		500,000		
				RW					
				UT					
				CN					
			Project Cost:			0	500,000	0	0
Lewis	8807	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE. (14CCN)(16CCR) (18CCN)	PL					
				DN					
				RW	FED	6,020,000			
				UT	FED		3,830,000		
				CN	FED				38,000,000
			Project Cost:			6,020,000	3,830,000	0	38,000,000
Lewis	20010	KY-9	ADDRESS PAVEMENT CONDITION	PL					
				DN	PM		210,000		
				RW					
				UT					
				CN	PM			2,100,000	
			Project Cost:			0	210,000	2,100,000	0

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County	Item No.	Route	Description	Phase	Fund	FY 2023	FY 2024	FY 2025	FY 2026
Total for Lewis county				PL					
				DN			710,000		
				RW		8,520,000			
				UT		1,500,000	3,830,000		
				CN			40,000,000	2,100,000	38,064,000
				Total Amounts:		10,020,000	44,540,000	2,100,000	38,064,000
Lincoln	167	US-27	US-27 CORRIDOR FROM SOMERSET TO LEXINGTON. IMPROVE SAFETY AND REDUCE CONGESTION ON US-27 FROM KY-1247 TO EDUCATION WAY.	PL					
				DN					
				RW	FED		11,800,000		
				UT	FED		7,500,000		
				CN					
				Project Cost:			0	19,300,000	0
Lincoln	80009	US-27	EXPAND US-27 TO FOUR LANES FROM THE WALMART IN STANFORD TO THE GARRARD COUNTY LINE(18CCN)	PL					
				DN					
				RW					
				UT	FED	6,500,000			
				CN	FED		36,000,000		
				Project Cost:			6,500,000	36,000,000	0
Total for Lincoln county				PL					
				DN					
				RW			11,800,000		
				UT		6,500,000	7,500,000		
				CN			36,000,000		
				Total Amounts:		6,500,000	55,300,000	0	0
Livingston	330	US-60	PADUCAH-HENDERSON; RELOCATE US-60 FROM EAST OF THE TENNESSEE RIVER BRIDGE TO EAST OF RUDD-SPEES ROAD (00CCR)(12CCR) (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	19,310,000			
				Project Cost:			19,310,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Livingston	1142.0002	US-60	ADDRESS DEFICIENCIES OF BRIDGE ON US 60 OVER THE CUMBERLAND RIVER 0.27 MILE N OF KY 70 070B00017N.	PL DN RW UT CN	BR	20,000,000			
			Project Cost:			20,000,000	0	0	0
Livingston	20007	I-24	ADDRESS PAVEMENT CONDITION OF I-024 BOTH DIRECTION(S) FROM MILEPOINT 29.543 TO MILEPOINT 33.88	PL DN RW UT CN	PM PM	350,000 3,500,000			
			Project Cost:			3,850,000	0	0	0
Total for Livingston county				PL DN RW UT CN		42,810,000			
			Total Amounts:			43,160,000	0	0	0
Logan	8908	KY-2349	IMPROVE SAFETY BY IMPROVING SIGHT LINES CROSSING RAILROAD BETWEEN STOCKYARDS AND INDUSTRIAL PARK. (16CCN)(18CCN)	PL DN RW UT CN	SPP	1,000,000			
			Project Cost:			1,000,000	0	0	0
Logan	10010	US-79	REPLACE BRIDGE ON US 79 TO WIDEN TO 4 LANES FOR FREIGHT MOVEMENT AND IMPROVE SAFETY. BRIDGE ID (071B00025N)(BRIDGE OVER WHIPPOORWILL CREEK) AT MP 4.65	PL DN RW UT CN	BR	2,575,000			
			Project Cost:			2,575,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Logan	80050.0001	US-79	WIDEN US-79 TO 4 LANES FROM TODD COUNTY LINE TO INTERSECTION WITH RUSSELLVILLE BYPASS.(18CCN)	PL					
				DN	FED	6,000,000			
				RW	FED		12,740,000		
				UT	FED		20,810,000		
				CN	FED				59,010,000
			Project Cost:			6,000,000	33,550,000	0	59,010,000
LOGAN	80100	US-79	REPLACE AND WIDEN BRIDGETO 4 LANES ON US-79 AT MP 2.921	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,250,000			
			Project Cost:			2,250,000	0	0	0
LOGAN	80101	US-79	REPLACE AND WIDEN TO 4 LANES BRIDGE ON US-79 AT MP 5.950 (BRIDGE OVER DRY FORK)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,800,000			
			Project Cost:			1,800,000	0	0	0
Total for LOGAN county				PL					
				DN		6,000,000			
				RW			12,740,000		
				UT			20,810,000		
				CN		7,625,000			59,010,000
			Total Amounts:			13,625,000	33,550,000	0	59,010,000
Lyon	7	I-24	ADD RESTROOM FACILITY TO I-24 EASTBOUND & WESTBOUND WEIGH STATIONS IN LYON COUNTY (DESIGN FUNDS AUTHORIZED UNDER ITEM NO. 99-44.00)	PL					
				DN					
				RW					
				UT					
				CN	FED		1,900,000		
			Project Cost:			0	1,900,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Lyon	187.5	US-641	RELOCATE US-641 FROM US-62 NEAR EDDYVILLE TO SOUTH OF THE LYON/CALDWELL COUNTY LINE.	PL					
				DN					
				RW	FED	4,200,000			
				UT	FED		1,090,000		
				CN	FED			10,000,000	
			Project Cost:			4,200,000	1,090,000	10,000,000	0
LYON	187.5001	US-641	RELOCATE US-641 FROM US-62 NEAR EDDYVILLE TO SOUTH OF THE LYON/CALDWELL COUNTY LINE.	PL					
				DN					
				RW					
				UT					
				CN	FED			9,130,000	
			Project Cost:			0	0	9,130,000	0
LYON	187.6	US-641	RELOCATE US-641 FROM SOUTH OF THE LYON/CALDWELL COUNTY LINE TO FREDONIA, 4.5 MILES.	PL					
				DN					
				RW	FED		4,000,000		
				UT	FED			1,500,000	
				CN	FED				21,000,000
			Project Cost:			0	4,000,000	1,500,000	21,000,000
Lyon	20008	I-24	ADDRESS PAVEMENT CONDITION OF I-024 BOTH DIRECTION(S) FROM MILEPOINT 33.988 TO MILEPOINT 45.133	PL					
				DN	PM		900,000		
				RW					
				UT					
				CN	PM			4,500,000	
			Project Cost:			0	900,000	4,500,000	0
Lyon	20008.0001	I-24	ADDRESS PAVEMENT CONDITION OF I-024 BOTH DIRECTION(S) FROM MILEPOINT 33.988 TO MILEPOINT 45.133	PL					
				DN					
				RW					
				UT					
				CN	PM				4,500,000
			Project Cost:			0	0	0	4,500,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Lyon	20009	I-24	ADDRESS PAVEMENT CONDITION OF I-024 CARDINAL DIRECTION(S) FROM MILEPOINT 45.133 TO MILEPOINT 51.886	PL DN RW UT CN	PM		270,000		
				Project Cost:		0	270,000	2,700,000	0
Lyon	20010	I-24	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-024 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 45.171 TO MILEPOINT 51	PL DN RW UT CN	PM		300,000		
				Project Cost:		0	300,000	3,000,000	0
Total for Lyon county				PL DN RW UT CN			1,470,000 4,000,000 1,090,000 1,900,000	1,500,000 29,330,000	25,500,000
				Total Amounts:		4,200,000	8,460,000	30,830,000	25,500,000
Madison	235.0002	KY-52	IMPROVE KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)(14CCR) (DESIGN/BUILD)(16CCR)(18CCR)	PL DN RW UT CN					
				Project Cost:	FED	14,500,000	0	0	0
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 MP0-MP.806 & CR 1236 MP0-MP.429) FROM	PL DN RW UT CN	SPP	2,210,000	730,000	11,030,000	0
				Project Cost:		2,210,000	730,000	11,030,000	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Madison	20017	I-75	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 73.408 TO MILEPOINT 83.4	PL DN RW UT CN	PM	6,000,000			
			Project Cost:			6,000,000	0	0	0
Madison	20017.0001	I-75	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 73.408 TO MILEPOINT 83.4	PL DN RW UT CN	PM		6,000,000		
			Project Cost:			0	6,000,000	0	0
MADISON	80109	US-25	REHABILITATE THE BRIDGE OVER THE RAILROAD ON US 25 NEAR THE GOLDENLEAF DEVELOPMENT AREA	PL DN RW UT CN	SPP	350,000	400,000	400,000	1,500,000
			Project Cost:			350,000	400,000	400,000	1,500,000
MADISON	80110	CR-1200	EXTEND BOGGS LN TO CONNECT TO PAVILION WAY	PL DN RW UT CN	SPP	250,000	750,000	250,000	1,000,000
			Project Cost:			250,000	750,000	250,000	1,000,000
MADISON	80111	KY-374	WIDEN KY 374 (SPEEDWELL RD) FROM KY 25 TO US 421	PL DN RW UT CN	SPP	4,000,000	6,000,000	12,000,000	29,000,000
			Project Cost:			4,000,000	6,000,000	12,000,000	29,000,000

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County	Item No.	Route	Description	Phase	Fund	FY 2023	FY 2024	FY 2025	FY 2026
Total for MADISON county				PL					
				DN		4,600,000			
				RW		2,210,000	7,150,000		
				UT			730,000	12,650,000	
				CN		20,500,000	6,000,000	11,030,000	31,500,000
				Total Amounts:		27,310,000	13,880,000	23,680,000	31,500,000
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)(16CCR)	PL					
				DN	FED			3,200,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	3,200,000	0
Magoffin	213	KY-40	ROADWAY IMPROVEMENTS AND SIDEWALK CONSTRUCTION ALONG KY 40 (MP 0.145-0.660) TO BETTER FACILITATE ALTERNATIVE TRANSPORTATION METHODS (2018BOP).	PL					
				DN					
				RW					
				UT	FED	1,170,000			
				CN					
				Project Cost:		1,170,000	0	0	0
Magoffin	4310	KY-867	INSTALL GUARDRAIL ON KY-867 IN MAGOFFIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		60,000		
				Project Cost:		0	60,000	0	0
Magoffin	4316	KY-1081	INSTALL GUARDRAIL ON KY-1081 IN MAGOFFIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				26,000
				Project Cost:		0	0	0	26,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Magoffin	8901	US-460	IMPROVE US-460 IN MAGOFFIN COUNTY AT IVY POINT HILL WEST OF SALYERSVILLE. (16CCN)	PL DN RW UT CN	FED	8,280,000			
Project Cost:						8,280,000	0	0	0
MAGOFFIN	80101	US-460	IMPROVE US 460 FROM THE INTERSECTION WITH KY 114 TO THE INTERCHANGE WITH US 23	PL DN RW UT CN	SPP SPP SPP		7,212,000	10,479,800	150,000,000
Project Cost:						0	7,212,000	10,479,800	150,000,000
MAGOFFIN	80101.0001	US-460	IMPROVE US 460 FROM THE INTERSECTION WITH KY 114 TO THE INTERCHANGE WITH US 23	PL DN RW UT CN	SPP	5,950,000			
Project Cost:						5,950,000	0	0	0
Total for MAGOFFIN county				PL DN RW UT CN		5,950,000	7,212,000	3,200,000	
						1,170,000		10,479,800	
						8,280,000	60,000		150,026,000
Total Amounts:						15,400,000	7,272,000	13,679,800	150,026,000
MARION	8715	KY-49	KY 49 FROM RIVERSIDE BRIDGE (B76) TO KY 337 IN BRADFORDSVILLE (12CCN)	PL DN RW UT CN	SPP SPP SPP	2,210,000	1,130,000	12,000,000	
Project Cost:						2,210,000	1,130,000	12,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Marion	8802	KY-49	SPOT IMPROVEMENTS ON KY-49 (MP 20.900 TO MP 21.830) AS PER THE KY-49 PLANNING STUDY. (14CCN)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED		4,040,000		
			Project Cost:			0	4,040,000	0	0
MARION	80152	US-68	REDUCE CONGESTION AT MAJOR INTERSECTION IN FRONT OF NEW SCHOOL MP 12.2 TO 12.8	PL					
				DN					
				RW	FED	1,200,000			
				UT	FED		1,800,000		
				CN	FED				7,600,000
			Project Cost:			1,200,000	1,800,000	0	7,600,000
MARION	80153	KY-2154	NEW BYPASS FROM KY 2154 TO BRADFORDVILLE HWY	PL					
				DN					
				RW	FED		8,000,000		
				UT	FED				1,900,000
				CN	FED				22,000,000
			Project Cost:			0	8,000,000	0	23,900,000
Total for MARION county				PL					
				DN					
				RW		3,410,000	8,000,000		
				UT			2,930,000		1,900,000
				CN			4,040,000	12,000,000	29,600,000
			Total Amounts:			3,410,000	14,970,000	12,000,000	31,500,000
Marshall	398	US-62	IMPROVE ACCESS AND REDUCE CONGESTION ON US-62 FROM KY-95 TO THE EXISTING FOUR-LANE HIGHWAY AT LONE VALLEY RD NEAR I-24 INTERCHANGE AND FUTURE I-69 CONNECTION.	PL					
				DN					
				RW					
				UT					
				CN	FED	3,940,000			
			Project Cost:			3,940,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Marshall	20013	I-24	ADDRESS PAVEMENT CONDITION OF I-024 BOTH DIRECTION(S) FROM MILEPOINT 17.32 TO MILEPOINT 29.14	PL DN RW UT CN	PM		950,000	9,500,000	
Project Cost:						0	950,000	9,500,000	0
Total for Marshall county				PL DN RW UT CN		3,940,000	950,000	9,500,000	
Total Amounts:						3,940,000	950,000	9,500,000	0
Martin	192	KY-40	IMPROVE ALIGNMENT AND GEOMETRICS OF THE CURVE LOCATED JUST BEFORE THE JUNCTION OF KY-2031 AND KY-40 TO .1 MILES BEFORE GORDON HOLLOW ROAD, AND IMPROVE THE CULVERT/SAFETY DESIGN TO INCREASE	PL DN RW UT CN	SPP	1,300,000			
Project Cost:						1,300,000	0	0	0
Martin	4093	CR-1215	SETSER BRANCH ROAD BRIDGE AND APPROACHES OVER MIDDLE FORK OF ROCKCASTLE CREEK (C43) (OFF NHS) (FD04) (2000BOP): (080C00043N)	PL DN RW UT CN	BR		480,000		
Project Cost:						0	480,000	0	0
Martin	4333	KY-3	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL DN RW UT CN	GR	38,000			
Project Cost:						38,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Martin	4335	KY-3	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	83,000			
			Project Cost:			83,000	0	0	0
Martin	4347	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	37,000			
			Project Cost:			37,000	0	0	0
Martin	4348	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	20,000			
			Project Cost:			20,000	0	0	0
Martin	4349	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	7,000			
			Project Cost:			7,000	0	0	0
Martin	4381	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		47,000		
			Project Cost:			0	47,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Martin	4405	KY-2031	INSTALL GUARDRAIL ON KY-2031 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			78,000	
			Project Cost:			0	0	78,000	0
Martin	4406	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			79,000	
			Project Cost:			0	0	79,000	0
Martin	4407	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			87,000	
			Project Cost:			0	0	87,000	0
Martin	4408	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			83,000	
			Project Cost:			0	0	83,000	0
Martin	4449	KY-1439	INSTALL GUARDRAIL ON KY-1439 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				64,000
			Project Cost:			0	0	0	64,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Martin	4450	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				32,000
			Project Cost:			0	0	0	32,000
Martin	4451	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				12,000
			Project Cost:			0	0	0	12,000
Martin	4452	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				98,000
			Project Cost:			0	0	0	98,000
Martin	4453	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				3,000
			Project Cost:			0	0	0	3,000
Martin	4454	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				31,000
			Project Cost:			0	0	0	31,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Martin county				PL					
				DN					
				RW					
				UT					
				CN		1,485,000	527,000	327,000	240,000
			Total Amounts:			1,485,000	527,000	327,000	240,000
Mason	147.2	PF-9999	NEW FULLY CONTROLLED ACCESS ROUTE	PL					
			FROM US 68 NEAR WASHINGTON EAST TO KY	DN	FED	1,560,000			
			11 INCLUDING A NEW I-CHNG AT KY 11.	RW	FED		1,740,000		
			(PRIORITY SECTION)(2004BOPC)(06CCR)	UT	FED		1,970,000		
			(18CCN)	CN	FED				35,100,000
			Project Cost:			1,560,000	3,710,000	0	35,100,000
Mason	147.6	PF-9999	NEW FULLY CONTROLLED ACCESS ROUTE	PL					
			FROM KY 11 NORTHEAST TO KY 9 (AA HWY)	DN	FED	1,560,000			
			INCLUDING NEW I-CHNG AT KY 9. (2004BOPC)	RW	FED		1,660,000		
			(06CCR)(18CCN)	UT	FED		1,900,000		
				CN	FED				35,100,000
			Project Cost:			1,560,000	3,560,000	0	35,100,000
Mason	4318	KY-1448	INSTALL GUARDRAIL ON KY-1448 IN MASON	PL					
			COUNTY	DN					
				RW					
				UT					
				CN	GR		90,000		
			Project Cost:			0	90,000	0	0
Mason	4322	US-62	INSTALL GUARDRAIL ON US-62 IN MASON	PL					
			COUNTY	DN					
				RW					
				UT					
				CN	GR			85,000	
			Project Cost:			0	0	85,000	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Mason	4325	KY-10	INSTALL GUARDRAIL ON KY-10 IN MASON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				74,000
			Project Cost:			0	0	0	74,000
Mason	10013.0001	US-68	ADDRESS DEFICIENCIES ON WILLIAM HARSHA BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (081B00069N)(BSBP)(SD)	PL					
				DN					
				RW					
				UT					
				CN	BR	10,000,000			
			Project Cost:			10,000,000	0	0	0
Mason	20011	US-68	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL					
				DN					
				RW					
				UT					
				CN	PM	4,250,000			
			Project Cost:			4,250,000	0	0	0
Mason	20011.0001	US-68	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL					
				DN					
				RW					
				UT					
				CN	PM		4,000,000		
			Project Cost:			0	4,000,000	0	0
MASON	80107	KY-9	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF THE INTERSECTION OF KY 9 (AA) AND US 62 LOCATED IN MAYSVILLE.	PL					
				DN					
				RW					
				UT	SPP	460,000			
				CN	SPP		1,322,000		
			Project Cost:			460,000	1,322,000	0	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Description	Phase	Fund	FY 2023	FY 2024	FY 2025	FY 2026
Total for MASON county				PL					
				DN		3,120,000			
				RW			3,400,000		
				UT		460,000	3,870,000		
				CN		14,250,000	5,412,000	85,000	70,274,000
				Total Amounts:		17,830,000	12,682,000	85,000	70,274,000
McCracken	115.1	US-60	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM BETHEL CHURCH ROAD TO KY-1154 (MARTIN MARIETTA) (04CCR) (TO BE LET WITH 1-115.00). (10CCR)(12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	8,400,000			
				Project Cost:		8,400,000	0	0	0
McCracken	153	KY-1286	IMPROVE KY-1286 (FRIENDSHIP ROAD) FROM MP 3.6 TO MP 6.4 IN PADUCAH. (PRELIMINARY ENGINEERING) (12CCR)(14CCR)(16CCN)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	4,000,000			
				Project Cost:		4,000,000	0	0	0
McCracken	153.0001	KY-1286	IMPROVE KY-1286 (FRIENDSHIP ROAD) FROM MP 3.6 TO MP 6.4 IN PADUCAH. (PRELIMINARY ENGINEERING) (12CCR)(14CCR)(16CCN)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED		14,000,000		
				Project Cost:		0	14,000,000	0	0
McCracken	8702	PF-9999	NEW ACCESS ROAD FROM KY-305 NEAR KY-998, EXTENDING WEST TO THE OHIO RIVER MEGAPARK. (2-LANE INITIAL, 4-LANE ULTIMATE) (12CCN)(14CCR)(18CCN)	PL					
				DN	FED	1,040,000			
				RW	FED		2,100,000		
				UT	FED			550,000	
				CN	FED				22,500,000
				Project Cost:		1,040,000	2,100,000	550,000	22,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
McCracken	20017	I-24	ADDRESS PAVEMENT CONDITION OF I-024 BOTH DIRECTION(S) FROM MILEPOINT 16.172 TO MILEPOINT 17.32	PL DN RW UT CN	PM		100,000		
				Project Cost:		0	100,000	1,000,000	0
Total for McCracken county				PL DN RW UT CN		1,040,000	100,000 2,100,000	550,000	
				Total Amounts:		12,400,000 13,440,000	14,000,000 16,200,000	1,000,000 1,550,000	22,500,000 22,500,000
McCreary	4321	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL DN RW UT CN	GR				39,000
				Project Cost:		0	0	0	39,000
McCreary	4322	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL DN RW UT CN	GR				122,000
				Project Cost:		0	0	0	122,000
McCreary	4323	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL DN RW UT CN	GR				180,000
				Project Cost:		0	0	0	180,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
MCCREARY	80101	US-27	IMPROVE SAFETY BY CONSTRUCTING TURN Lanes into Community Park and Whitley City Elementary	PL					
				DN					
				RW	SPP	752,000			
				UT	SPP		1,053,000		
				CN	SPP			3,650,000	
			Project Cost:			752,000	1,053,000	3,650,000	0
MCCREARY	80102	US-27	PROVIDE CONNECTIVITY, IMPROVE MOBILITY AND RESPONSE FROM US 27 TO MCCREARY COUNTY HIGH SCHOOL	PL					
				DN					
				RW	SPP	116,000			
				UT	SPP		1,125,000		
				CN	SPP			3,510,000	
			Project Cost:			116,000	1,125,000	3,510,000	0
MCCREARY	80103		IMPROVE MOBILITY AND SAFETY RR CROSSING ELIMINATION BY CONSTRUCTING BRIDGE BETWEEN SOUTHERN HIGHWAY AND MURRAY WILSON RD	PL					
				DN					
				RW	SPP	696,000			
				UT	SPP		580,000		
				CN	SPP			5,332,000	
			Project Cost:			696,000	580,000	5,332,000	0
Total for MCCREARY county				PL					
				DN					
				RW		1,564,000			
				UT			2,758,000		
				CN				12,492,000	341,000
Total Amounts:						1,564,000	2,758,000	12,492,000	341,000
McLean	4312	US-431	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		41,000		
			Project Cost:			0	41,000	0	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

623

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
McLean	4313	US-431	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		13,000		
				Project Cost:		0	13,000	0	0
Total for McLean county				PL					
				DN					
				RW					
				UT					
				CN			54,000		
				Total Amounts:		0	54,000	0	0
Meade	8702	KY-79	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 79 FROM KY 428 TO KY 144.(12CCN)(14CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,500,000			
				Project Cost:		2,500,000	0	0	0
Meade	8705	KY-79	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)(14CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP		12,170,000		
				Project Cost:		0	12,170,000	0	0
Total for Meade county				PL					
				DN					
				RW					
				UT					
				CN		2,500,000	12,170,000		
				Total Amounts:		2,500,000	12,170,000	0	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Menifee	8802.0001	US-460	IMPROVE SAFETY AND GEOMETRICS ON US-460 FROM THE END OF ROTHWELL HILL IMPROVEMENTS TO THE BRIDGE OVER BEAVER CREEK. (14CCN)(16CCR)(18CCR)	PL DN RW UT CN	FED	10,500,000			
Project Cost:						10,500,000	0	0	0
Total for Menifee county				PL DN RW UT CN		10,500,000			
Total Amounts:						10,500,000	0	0	0
MERCER	417	CS-1237	IMPROVE SYSTEM MOBILITY ALONG MOBERLY ROAD FROM KY 390 TO KY 1989 IN NORTHWEST HARRODSBURG. (12CCR)	PL DN RW UT CN	SPP	1,790,000			
Project Cost:						1,790,000	0	0	0
Total for MERCER county				PL DN RW UT CN		1,790,000			
Total Amounts:						1,790,000	0	0	0
Metcalfe	4308	KY-70	INSTALL GUARDRAIL ON KY-70 IN METCALFE COUNTY	PL DN RW UT CN	GR	52,000			
Project Cost:						52,000	0	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Metcalfe	8706	US-68	SPOT IMPROVEMENTS ON US-68 FROM THE CUMBERLAND PARKWAY TO THE GREEN/METCALFE COUNTY LINE.(12CCN) (16CCN)(18CCN)	PL DN RW UT CN	FED		10,130,000		
Project Cost:						0	10,130,000	0	0
Metcalfe	8859	KY-163	RECONSTRUCT KY 163 AS A NEW ROUTE ON 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 SPP SPP			3,480,000 2,470,000	
Project Cost:						0	0	5,950,000	13,980,000
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). (16CCN) (18CCN)	PL DN RW UT CN	FED	2,710,000			
Project Cost:						2,710,000	0	0	0
Metcalfe	20013	LN-9008	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 22.357 TO MILEPOINT 36.16	PL DN RW UT CN	PM	6,000,000			
Project Cost:						6,000,000	0	0	0
Metcalfe	20013.0001	LN-9008	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 22.357 TO MILEPOINT 36.16	PL DN RW UT CN	PM		5,000,000		
Project Cost:						0	5,000,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Metcalfe county				PL					
				DN		2,710,000			
				RW				3,480,000	
				UT				2,470,000	
				CN		6,052,000	15,130,000		13,980,000
				Total Amounts:		8,762,000	15,130,000	5,950,000	13,980,000
Monroe	128.1102	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	865,000			
				Project Cost:		865,000	0	0	0
Monroe	128.1103	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		865,000		
				Project Cost:		0	865,000	0	0
Monroe	128.1104	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP			865,000	
				Project Cost:		0	0	865,000	0
Monroe	128.1105	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2020.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP				865,000
				Project Cost:		0	0	0	865,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Monroe	4311	KY-100	INSTALL GUARDRAIL ON KY-100 IN MONROE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				40,000
			Project Cost:			0	0	0	40,000
Total for Monroe county				PL					
				DN					
				RW					
				UT					
				CN		865,000	865,000	865,000	905,000
			Total Amounts:			865,000	865,000	865,000	905,000
Montgomery	240	KY-1991	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	FED	3,230,000			
			Project Cost:			3,230,000	0	0	0
MONTGOMERY	8810.001	US-60	WIDEN EXISTING PAVEMENT & IMPROVE VERTICAL & HORIZONTAL CURVES FROM EXISTING MT STERLING BYPASS (KY 686) TO 500' W OF BENTBROOK SUBDIVISION. ADD FULL WIDTH SHOULDERS & A CENTER TURNING LANE	PL					
				DN					
				RW	FED		2,300,000		
				UT	FED				1,100,000
				CN	FED				9,600,000
			Project Cost:			0	2,300,000	0	10,700,000
Montgomery	20018	I-64	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 104.26 TO MILEPOINT 112.1	PL					
				DN	PM	650,000			
				RW					
				UT					
				CN	PM		3,000,000		
			Project Cost:			650,000	3,000,000	0	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Montgomery	20018.0001	I-64	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 104.26 TO MILEPOINT 112.1	PL DN RW UT CN	PM			3,500,000	
Project Cost:						0	0	3,500,000	0
Total for Montgomery county				PL DN RW UT CN		650,000	2,300,000		1,100,000
Total Amounts:						3,230,000	3,000,000	3,500,000	9,600,000
						3,880,000	5,300,000	3,500,000	10,700,000
Morgan	4312	KY-191	INSTALL GUARDRAIL ON KY-191 IN MORGAN COUNTY	PL DN RW UT CN	GR			76,000	
Project Cost:						0	0	76,000	0
Morgan	8804	KY-2498	IMPROVE KY-2498 FROM US-460 TO THE ARH HOSPITAL. (14CCN)(16CCN)	PL DN RW UT CN	SPP		7,140,000		
Project Cost:						0	7,140,000	0	0
Total for Morgan county				PL DN RW UT CN			7,140,000	76,000	
Total Amounts:						0	7,140,000	76,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Muhlenberg	4307	KY-171	INSTALL GUARDRAIL ON KY-171 IN MUHLENBERG COUNTY	PL DN RW UT CN	GR	27,000			
			Project Cost:			27,000	0	0	0
Muhlenberg	4308	US-62	INSTALL GUARDRAIL ON US-62 IN MUHLENBERG COUNTY	PL DN RW UT CN	GR	35,000			
			Project Cost:			35,000	0	0	0
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)(18CCN)	PL DN RW UT CN	SPP SPP SPP	560,000 850,000	7,020,000		
			Project Cost:			1,410,000	7,020,000	0	0
Muhlenberg	20036	WK-9001	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 43.424 TO MILEPOINT 45.95	PL DN RW UT CN	PM PM	200,000	2,000,000		
			Project Cost:			200,000	2,000,000	0	0
MUHLENBERG	80100	KY-246	ADDRESS SAFETY AND MOBILITY ISSUES AT KY 246 INTERSECTION WITH KY 176	PL DN RW UT CN	SPP	1,500,000			
			Project Cost:			1,500,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
MUHLENBERG	80101		ADDRESS SAFETY AND MOBILITY ISSUES AT THE INTERSECTION OF KY 81 AND KY 181	PL					
				DN					
				RW					
				UT					
				CN	SPP	400,000			
			Project Cost:			400,000	0	0	0
Total for MUHLENBERG county				PL					
				DN		200,000			
				RW		560,000			
				UT		850,000			
				CN		1,962,000	9,020,000		
			Total Amounts:			3,572,000	9,020,000	0	0
Nelson	396.1	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ON US-150 FROM THE BLUEGRASS PARKWAY TO THE NELSON/WASHINGTON COUNTY LINE. (2016BOP)(18CCR)	PL					
				DN					
				RW	FED	4,600,000			
				UT	FED	2,000,000			
				CN	FED			35,000,000	
			Project Cost:			6,600,000	0	35,000,000	0
Nelson	4319	KY-458	INSTALL GUARDRAIL ON KY-458 IN NELSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				311,000
			Project Cost:			0	0	0	311,000
NELSON	8809	-0	NEW ROUTE BETWEEN US 62 AND KY 245 WEST OF BARDSTOWN	PL					
				DN					
				RW					
				UT					
				CN	FED	9,230,000			
			Project Cost:			9,230,000	0	0	0

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County	Item No.	Route	Description	Phase	Fund	FY 2023	FY 2024	FY 2025	FY 2026
Total for NELSON county				PL					
				DN					
				RW		4,600,000			
				UT		2,000,000			
				CN		9,230,000		35,000,000	311,000
				Total Amounts:		15,830,000	0	35,000,000	311,000
Nicholas	205	KY-36	IMPROVE THE KY-36/KY-32 INTERSECTION NEAR THE NICHOLAS COUNTY SCHOOL PROPERTY. (12CCR)(16CCR)	PL					
				DN					
				RW					
				UT	FED	890,000			
				CN	FED			5,550,000	
				Project Cost:		890,000	0	5,550,000	0
Nicholas	8811	KY-36	RECONSTRUCT KY 36/KY 928 INTERSECTION. (14CCN)(16CCR)(18CCN)	PL					
				DN					
				RW	SPP	200,000			
				UT	SPP	150,000			
				CN	SPP		470,000		
				Project Cost:		350,000	470,000	0	0
Nicholas	8812	KY-32	SAFETY IMPROVEMENTS ALONG KY 32 FROM LAKE ROAD (MP 9.5) TO SCRUBGRASS CREEK (MP 12.5) TO CORRECT HORIZONTAL, VERTICAL, PAVEMENT WITH DEFICIENCIES. (14CCN)(18CCN)	PL	SPP		110,000		
				DN					
				RW					
				UT					
				CN					
				Project Cost:		0	110,000	0	0
Total for Nicholas county				PL			110,000		
				DN					
				RW		200,000			
				UT		1,040,000			
				CN			470,000	5,550,000	
				Total Amounts:		1,240,000	580,000	5,550,000	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Ohio	4315	US-62	INSTALL GUARDRAIL ON US-62 IN OHIO COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		8,000		
				Project Cost:		0	8,000	0	0
Ohio	8812	KY-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 FROM KY-56 IN MCLEAN COUNTY TO US-231 IN OHIO COUNTY. (14CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	14,730,000			
				Project Cost:		14,730,000	0	0	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. (16CCN)(18CCN)	PL					
				DN					
				RW	SPP	1,220,000			
				UT	SPP		2,440,000		
				CN	SPP				7,300,000
				Project Cost:		1,220,000	2,440,000	0	7,300,000
Total for Ohio county				PL					
				DN					
				RW		1,220,000			
				UT			2,440,000		
				CN		14,730,000	8,000		7,300,000
				Total Amounts:		15,950,000	2,448,000	0	7,300,000
Oldham	367.2001	PF-9999	EXTENSION OF OLD HENRY ROAD EAST TO ASH AVENUE (KY362). (12CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	6,000,000			
				Project Cost:		6,000,000	0	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Oldham	483.1	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-329 (MP 14.1) TO KY-393 (MP 18.0). (16CCN)	PL DN RW UT CN	FED		34,000,000		
Project Cost:						0	34,000,000	0	0
Oldham	483.2	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-393 (MP 18.0) TO KY-53 (MP 22.4). (16CCN)	PL DN RW UT CN	FED FED FED FED	5,500,000		2,300,000 1,000,000	40,000,000
Project Cost:						5,500,000	0	3,300,000	40,000,000
Oldham	4308	KY-362	INSTALL GUARDRAIL ON KY-362 IN OLDHAM COUNTY	PL DN RW UT CN	GR		49,000		
Project Cost:						0	49,000	0	0
Oldham	4310	KY-1694	INSTALL GUARDRAIL ON KY-1694 IN OLDHAM COUNTY	PL DN RW UT CN	GR				71,000
Project Cost:						0	0	0	71,000
Oldham	8852	KY-53	DESIGN FOR IMPROVING KY-53 FROM ZHALE SMITH ROAD TO KY-22 (TOTAL 3.2 MILES). (14CCN)(18CCN)	PL DN RW UT CN	FED	2,000,000			
Project Cost:						2,000,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Oldham	80005	KY-329	IMPROVE THE INTERCHANGE OF I 71 AND KY 329. (18CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	3,400,000			
			Project Cost:			3,400,000	0	0	0
Total for Oldham county				PL					
				DN		7,500,000			
				RW				2,300,000	
				UT				1,000,000	
				CN		9,400,000	34,049,000		40,071,000
			Total Amounts:			16,900,000	34,049,000	3,300,000	40,071,000
Owen	20052	KY-22	ADDRESS PAVEMENT CONDITION ON KY-22 FROM MILEPOINT 11.33 TO MILEPOINT 18.56	PL					
				DN					
				RW					
				UT					
				CN	PM	800,000			
			Project Cost:			800,000	0	0	0
Total for Owen county				PL					
				DN					
				RW					
				UT					
				CN		800,000			
			Total Amounts:			800,000	0	0	0
OWSLEY	80105	KY-11	RECONSTRUCT THE INTERSECTION OF KY 11 AND KY 84	PL					
				DN	SPP	200,000			
				RW	SPP		200,000		
				UT	SPP			200,000	
				CN	SPP				200,000
			Project Cost:			200,000	200,000	200,000	200,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for OWSLEY county				PL					
				DN		200,000			
				RW			200,000		
				UT				200,000	
				CN					200,000
				Total Amounts:		200,000	200,000	200,000	200,000
Pendleton	4317	KY-159	INSTALL GUARDRAIL ON KY-159 IN PENDLETON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				16,000
				Project Cost:		0	0	0	16,000
Total for Pendleton county				PL					
				DN					
				RW					
				UT					
				CN					16,000
				Total Amounts:		0	0	0	16,000
Perry	209	KY-476	IMPROVE KY-476 FROM KY-15X IN WALKERTOWN TO NORTH OF WALKER CORNETT ROAD IN WABACO.	PL					
				DN					
				RW	FED	200,000			
				UT					
				CN					
				Project Cost:		200,000	0	0	0
PERRY	269.2	KY-15	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28. (14CCN)	PL					
				DN					
				RW	SPP		3,040,000		
				UT	SPP			2,050,000	
				CN	SPP				60,000,000
				Project Cost:		0	3,040,000	2,050,000	60,000,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Perry	4317	KY-7	INSTALL GUARDRAIL ON KY-7 IN PERRY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				64,000
			Project Cost:			0	0	0	64,000
Perry	8906	KY-80	SAFETY IMPROVEMENTS ON KY-80 FROM LESLIE COUNTY LINE TO KY-451. (16CCN)	PL					
				DN					
				RW					
				UT					
				CN	FED	5,400,000			
			Project Cost:			5,400,000	0	0	0
PERRY	80100	CO-0	NEW IMPROVED ACCESS TO WENDALL FORD AIRPORT	PL					
				DN					
				RW					
				UT					
				CN	SPP	14,000,000			
			Project Cost:			14,000,000	0	0	0
Total for PERRY county				PL					
				DN					
				RW		200,000	3,040,000		
				UT				2,050,000	
				CN		19,400,000			60,064,000
			Total Amounts:			19,600,000	3,040,000	2,050,000	60,064,000
Pike	147	KY-1426	MITIGATE OR ELIMINATE ROCKFALL HAZARDS AND IMPROVE ROADWAY FOR BETTER FLOW AND EFFICIENCY IN ORDER TO HANDLE THE EXPECTED CONGESTION ARISING FROM EVENTS AT THE EXPO CENTER. IDENTIFIED IN THE 1999	PL					
				DN	FED		1,731,000		
				RW					
				UT					
				CN					
			Project Cost:			0	1,731,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	198	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT. (18CCR)	PL					
				DN					
				RW					
				UT	FED	1,560,000			
				CN	FED		5,460,000		
			Project Cost:			1,560,000	5,460,000	0	0
Pike	198.0001	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT. (18CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED			5,460,000	
			Project Cost:			0	0	5,460,000	0
PIKE	263.6702	PF-9999	PIKEVILLE TO VA. STATE LINE: IMPROVE US 460/KY 80 FROM DUNLEARY HOLLOW TO KY 80 AT BEAVER CREEK (SECTION 6C) BRIDGE ONLY.(14CCN)(16CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED	24,750,000			
			Project Cost:			24,750,000	0	0	0
PIKE	263.6703	PF-9999	PIKEVILLE TO VA. STATE LINE: IMPROVE US 460/KY 80 FROM DUNLEARY HOLLOW TO KY 80 AT BEAVER CREEK (SECTION 6C) BRIDGE ONLY.(14CCN)(16CCR)	PL					
				DN					
				RW					
				UT					
				CN	FED		24,750,000		
			Project Cost:			0	24,750,000	0	0
Pike	263.69	PF-9999	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	FED				31,500,000
			Project Cost:			0	0	0	31,500,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	346	US-460	IMPROVE SAFETY AND REDUCE CONGESTION AT THE US-460 AND KY-1460 INTERSECTION.	PL					
				DN	FED	240,000			
				RW	FED	400,000			
				UT	FED	160,000			
				CN	FED		1,470,000		
			Project Cost:			800,000	1,470,000	0	0
Pike	1129	CO-0	PLANNING STUDY TO EVALUATE REPLACING OLD NOLAN TOLL BRIDGE AT KY 292 JUST SW OF KY 468 INTERSECTION.	PL					
				DN	SPP	250,000			
				RW					
				UT					
				CN					
			Project Cost:			250,000	0	0	0
Pike	4350	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	41,000			
			Project Cost:			41,000	0	0	0
Pike	4351	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	83,000			
			Project Cost:			83,000	0	0	0
Pike	4352	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	44,000			
			Project Cost:			44,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	4353	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	72,000			
			Project Cost:			72,000	0	0	0
Pike	4363	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		34,000		
			Project Cost:			0	34,000	0	0
Pike	4364	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		45,000		
			Project Cost:			0	45,000	0	0
Pike	4365	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		43,000		
			Project Cost:			0	43,000	0	0
Pike	4366	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		36,000		
			Project Cost:			0	36,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	4367	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		70,000		
			Project Cost:			0	70,000	0	0
Pike	4368	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		68,000		
			Project Cost:			0	68,000	0	0
Pike	4369	KY-611	INSTALL GUARDRAIL ON KY-611 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		121,000		
			Project Cost:			0	121,000	0	0
Pike	4370	KY-611	INSTALL GUARDRAIL ON KY-611 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		90,000		
			Project Cost:			0	90,000	0	0
Pike	4383	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		24,000		
			Project Cost:			0	24,000	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	4384	KY-1441	INSTALL GUARDRAIL ON KY-1441 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		131,000		
			Project Cost:			0	131,000	0	0
Pike	4410	KY-1056	INSTALL GUARDRAIL ON KY-1056 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			62,000	
			Project Cost:			0	0	62,000	0
Pike	4411	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			48,000	
			Project Cost:			0	0	48,000	0
Pike	4412	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			58,000	
			Project Cost:			0	0	58,000	0
Pike	4413	KY-1499	INSTALL GUARDRAIL ON KY-1499 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			144,000	
			Project Cost:			0	0	144,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	4414	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			106,000	
			Project Cost:			0	0	106,000	0
Pike	4415	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			96,000	
			Project Cost:			0	0	96,000	0
Pike	4416	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			51,000	
			Project Cost:			0	0	51,000	0
Pike	4417	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			53,000	
			Project Cost:			0	0	53,000	0
Pike	4418	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			80,000	
			Project Cost:			0	0	80,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	4419	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			16,000	
			Project Cost:			0	0	16,000	0
Pike	4421	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			38,000	
			Project Cost:			0	0	38,000	0
Pike	4455	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				32,000
			Project Cost:			0	0	0	32,000
Pike	4456	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				93,000
			Project Cost:			0	0	0	93,000
Pike	4457	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				36,000
			Project Cost:			0	0	0	36,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	4458	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				22,000
			Project Cost:			0	0	0	22,000
Pike	4459	KY-1499	INSTALL GUARDRAIL ON KY-1499 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				45,000
			Project Cost:			0	0	0	45,000
Pike	4460	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				39,000
			Project Cost:			0	0	0	39,000
Pike	4461	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				11,000
			Project Cost:			0	0	0	11,000
Pike	4462	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				17,000
			Project Cost:			0	0	0	17,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pike	4463	KY-610	INSTALL GUARDRAIL ON KY-610 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				60,000
			Project Cost:			0	0	0	60,000
Pike	8705	PF-9999	IMPROVE CONNECTIVITY BETWEEN THOMPSON ROAD AND US-23 AT STONECOAL.(12CCN)(14CCR)(16CCR)	PL					
				DN					
				RW					
				UT	SPP		730,000		
				CN	SPP				6,960,000
			Project Cost:			0	730,000	0	6,960,000
Total for Pike county				PL					
				DN		490,000	1,731,000		
				RW		400,000			
				UT		1,720,000	730,000		
				CN		24,990,000	32,342,000	6,212,000	38,815,000
			Total Amounts:			27,600,000	34,803,000	6,212,000	38,815,000
Powell	163.1001	KY-213	IMPROVE SAFETY AND UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 213 FROM KY 11 TO KY 615, INCLUDES BRIDGE OVER RED RIVER. (PRIORITY SECTION 1)(R & U FUNDING SEE 10-163.00)(2018BOP)	PL					
				DN					
				RW					
				UT					
				CN	FED	5,790,000			
			Project Cost:			5,790,000	0	0	0
Powell	211	KY-2026	CORRECT FLOODING ISSUES ON KY-2026 FROM KY-11 TO THE RED RIVER IN CLAY CITY.	PL					
				DN					
				RW					
				UT					
				CN	FED	1,100,000			
			Project Cost:			1,100,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Powell	4318	KY-82	INSTALL GUARDRAIL ON KY-82 IN POWELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				32,000
			Project Cost:			0	0	0	32,000
Powell	20004	KY-9000	ADDRESS PAVEMENT CONDITION OF BERT T. COMBS MOUNTAIN PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 11.91 TO MILEPOINT 19.15	PL					
				DN	PM		580,000		
				RW					
				UT					
				CN	PM			2,900,000	
			Project Cost:			0	580,000	2,900,000	0
Powell	20005	KY-9000	ADDRESS PAVEMENT CONDITION OF BERT T. COMBS MOUNTAIN PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 19.15 TO MILEPOINT 22.307	PL					
				DN	PM		250,000		
				RW					
				UT					
				CN	PM			2,500,000	
			Project Cost:			0	250,000	2,500,000	0
Powell	20008	KY-9000	ADDRESS PAVEMENT CONDITION OF BERT T. COMBS MOUNTAIN PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 32.788 TO MILEPOINT 36	PL					
				DN	PM				275,000
				RW					
				UT					
				CN	PM				2,750,000
			Project Cost:			0	0	0	3,025,000
Total for Powell county				PL					
				DN			830,000		275,000
				RW					
				UT					
				CN		6,890,000		5,400,000	2,782,000
			Total Amounts:			6,890,000	830,000	5,400,000	3,057,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Pulaski	169	KY-39	IMPROVE SAFETY AND MOBILITY ALONG KY 39 BETWEEN KY 80 AND OAK LEAF LANE.	PL DN RW UT CN	FED				478,000
Project Cost:						0	0	0	478,000
Pulaski	4312	KY-804	INSTALL GUARDRAIL ON KY-804 IN PULASKI COUNTY	PL DN RW UT CN	GR	53,000			
Project Cost:						53,000	0	0	0
Pulaski	4313	KY-769	INSTALL GUARDRAIL ON KY-769 IN PULASKI COUNTY	PL DN RW UT CN	GR		14,000		
Project Cost:						0	14,000	0	0
Pulaski	4316	KY-1247	INSTALL GUARDRAIL ON KY-1247 IN PULASKI COUNTY	PL DN RW UT CN	GR			15,000	
Project Cost:						0	0	15,000	0
PULASKI	80104	KY-90	REDUCE CONGESTION AND IMPROVE SAFETY, CAPACITY AND MOBILITY ALONG KY 90 BETWEEN WAYNE COUNTY LINE AND NEW CUMBERLAND RIVER BRIDGE	PL DN RW UT CN	SPP SPP SPP	7,293,000	2,657,000	25,003,000	
Project Cost:						7,293,000	2,657,000	25,003,000	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for PULASKI county				PL					
				DN					478,000
				RW		7,293,000			
				UT			2,657,000		
				CN		53,000	14,000	25,018,000	
				Total Amounts:		7,346,000	2,671,000	25,018,000	478,000
Robertson	8711	KY-616	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN) (14CCR)(18CCN)	PL					
				DN					
				RW					
				UT	SPP	210,000			
				CN	SPP		2,710,000		
				Project Cost:		210,000	2,710,000	0	0
Robertson	20053	US-62	ADDRESS PAVEMENT CONDITION ON US-62 FROM MILEPOINT 0.00 TO MILEPOINT 11.00	PL					
				DN					
				RW					
				UT					
				CN	PM	500,000			
				Project Cost:		500,000	0	0	0
ROBERTSON	80151	US-62	WIDEN THE BRIDGE ON US 62 OVER N. BRANCH CEDAR CREEK NEAR KENTONTOWN TO IMPROVE SAFETY AND MOBILITY.	PL					
				DN					
				RW	BR	115,000			
				UT	BR			115,000	
				CN	BR				575,000
				Project Cost:		115,000	0	115,000	575,000
Total for ROBERTSON county				PL					
				DN					
				RW		115,000			
				UT		210,000		115,000	
				CN		500,000	2,710,000		575,000
				Total Amounts:		825,000	2,710,000	115,000	575,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Rockcastle	4314	KY-1229	INSTALL GUARDRAIL ON KY-1229 IN ROCKCASTLE COUNTY	PL DN RW UT CN	GR		102,000		
Project Cost:						0	102,000	0	0
Rockcastle	8952	KY-461	IMPROVE KY-461 FROM US-150 TO THE EXISTING FOUR LANE APPROACH AT US-25. (16CCN)(18CCR)	PL DN RW UT CN	FED		10,000,000		
Project Cost:						0	10,000,000	0	0
Rockcastle	8952.0001	KY-461	IMPROVE KY-461 FROM US-150 TO THE EXISTING FOUR LANE APPROACH AT US-25. (16CCN)(18CCR)	PL DN RW UT CN	FED			9,470,000	
Project Cost:						0	0	9,470,000	0
ROCKCASTLE	80106	US-25	ADDRESS SAFETY, MOBILITY, AND CONGESTION WITH ACCESS AMANGEMENT ALONG US-25 (RICHMOND ST) FROM THE US 25/US 461 INTERSECTION TO I 75	PL DN RW UT CN	SPP SPP SPP SPP	1,100,000	1,160,000	1,170,000	5,500,000
Project Cost:						1,100,000	1,160,000	1,170,000	5,500,000
ROCKCASTLE	80107	US-25	US 25 FROM I 75 EXIT 62 NORTHERLY TO MP 17.3 - PLANNING STUDY TO ADDRESS ECONOMIC DEVELOPMENT	PL DN RW UT CN	SPP	300,000			
Project Cost:						300,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for ROCKCASTLE county				PL		300,000			
				DN		1,100,000			
				RW			1,160,000		
				UT				1,170,000	
				CN			10,102,000	9,470,000	5,500,000
				Total Amounts:		<u>1,400,000</u>	<u>11,262,000</u>	<u>10,640,000</u>	<u>5,500,000</u>
Rowan	204	KY-32	IMPROVE KY-32 FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	<u>5,000,000</u>			
				Project Cost:		<u>5,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Rowan	204.0001	KY-32	IMPROVE KY-32 FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	<u>0</u>	<u>10,000,000</u>	<u>0</u>	<u>0</u>
				Project Cost:		<u>0</u>	<u>10,000,000</u>	<u>0</u>	<u>0</u>
Rowan	204.0002	KY-32	IMPROVE KY-32 FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	<u>0</u>	<u>0</u>	<u>7,500,000</u>	<u>0</u>
				Project Cost:		<u>0</u>	<u>0</u>	<u>7,500,000</u>	<u>0</u>
Rowan	4312	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	<u>3,000</u>			
				Project Cost:		<u>3,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Rowan	4315	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		76,000		
			Project Cost:			0	76,000	0	0
Rowan	4319	KY-3319	INSTALL GUARDRAIL ON KY-3319 IN ROWAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		50,000		
			Project Cost:			0	50,000	0	0
Rowan	4320	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		3,000		
			Project Cost:			0	3,000	0	0
Rowan	4321	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		32,000		
			Project Cost:			0	32,000	0	0
Rowan	8401	US-60	RECONSTRUCT US-60 FROM WEST OF GLENWOOD HOLLOW ROAD TO EAST OF KY-3296. THE PROJECT SHALL INCLUDE 12' LANES, WIDE PAVED SHOULDERS, UNOBSTRUCTED CLEAR ZONES, FLATTER	PL					
				DN					
				RW	SPP	1,870,000			
				UT	SPP	1,690,000			
				CN	SPP				12,190,000
			Project Cost:			3,560,000	0	0	12,190,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Rowan	8406	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM KY-32 TO NORTH OF KY-799. (08CCN)(10CCR)(16CCR) (18CCR)	PL DN RW UT CN	FED	9,100,000			
			Project Cost:			9,100,000	0	0	0
Rowan	8915	KY-801	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO. (16CCN) (18CCN)	PL DN RW UT CN	FED FED FED	2,320,000	1,130,000	7,000,000	
			Project Cost:			2,320,000	1,130,000	7,000,000	0
Rowan	8915.0001	KY-801	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO. (16CCN) (18CCN)	PL DN RW UT CN	FED				8,210,000
			Project Cost:			0	0	0	8,210,000
Rowan	20012	I-64	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 128.96 TO MILEPOINT 134.75	PL DN RW UT CN	PM	475,000			
			Project Cost:			475,000	4,750,000	0	0
Rowan	20014	I-64	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 141.5 TO MILEPOINT 147.95	PL DN RW UT CN	PM			525,000	
			Project Cost:			0	0	525,000	5,250,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for Rowan county				PL					
				DN		475,000		525,000	
				RW		4,190,000			
				UT		1,690,000	1,130,000		
				CN		14,103,000	14,911,000	14,500,000	25,650,000
			Total Amounts:			20,458,000	16,041,000	15,025,000	25,650,000
Russell	20007.0001	LN-9008	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 62.544 TO MILEPOINT 72.087	PL					
				DN					
				RW					
				UT					
				CN	PM	3,500,000			
			Project Cost:			3,500,000	0	0	0
Russell	20009	US-127	ADDRESS PAVEMENT CONDITION ON US-127 FROM MILEPOINT 19.03 TO MILEPOINT 26.21	PL					
				DN					
				RW					
				UT					
				CN	PM		1,549,000		
			Project Cost:			0	1,549,000	0	0
Total for Russell county				PL					
				DN					
				RW					
				UT					
				CN		3,500,000	1,549,000		
			Total Amounts:			3,500,000	1,549,000	0	0
Scott	119	KY-32	RECONSTRUCT KY 32/I-75 INTERCHANGE EXIT 136 (LOVE'S TRUCK STOP), REALIGNING PORTER RD WITH SADIEVILLE RD AT US25.	PL					
				DN	FED	1,622,000			
				RW	FED		1,216,000		
				UT	FED			1,462,000	
				CN	FED				20,245,000
			Project Cost:			1,622,000	1,216,000	1,462,000	20,245,000

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Scott	20021	I-75	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 138.424 TO MILEPOINT 143.24	PL DN RW UT CN	PM		575,000		
				Project Cost:		<u>0</u>	<u>575,000</u>	<u>5,750,000</u>	<u>0</u>
SCOTT	80102	KY-2906	IMPROVE CAPACITY AND ACCESS ON KY 2906 FROM US 460 TO US 62	PL DN RW UT CN	SPP SPP	1,406,000	8,517,000		
				Project Cost:		<u>1,406,000</u>	<u>8,517,000</u>	<u>0</u>	<u>0</u>
SCOTT	80104	US-460	IMPROVE US 460 FROM RUSSELL CAVE RD TO I 75 (2ND PART OF 7-8705)	PL DN RW UT CN	SPP SPP	7,000,000	15,000,000		
				Project Cost:		<u>7,000,000</u>	<u>15,000,000</u>	<u>0</u>	<u>0</u>
Total for SCOTT county				PL DN RW UT CN		1,622,000 1,216,000 8,406,000	575,000 1,216,000 23,517,000	1,462,000 5,750,000	20,245,000
				Total Amounts:		<u>10,028,000</u>	<u>25,308,000</u>	<u>7,212,000</u>	<u>20,245,000</u>
Shelby	65.4	I-64	WIDEN I-64 TO 6-LANES FROM 0.458 MILE EAST OF THE KY-55 INTERCHANGE TO THE KY-1790 UNDERPASS. (2006BOPC)	PL DN RW UT CN	FED		78,000,000		
				Project Cost:		<u>0</u>	<u>78,000,000</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Shelby	2035.4	I-64	WIDEN I-64 TO 6 LANES FROM KY-395 TO KY-151. (2004BOPC)(DESIGN FUNDING COVERS 5-2035.70 SECTION ALSO)	PL					
				DN					
				RW	FED		100,000		
				UT	FED		100,000		
				CN	FED			62,000,000	
			Project Cost:			0	200,000	62,000,000	0
Shelby	20033.0001	I-64	ADDRESS PAVEMENT CONDITION OF I-64 BOTH DIRECTION(S) FROM MILEPOINT 38.18 (38 NON-CARDINAL) TO MILEPOINT 43.33 (43.892 NON-CARDINAL)	PL					
				DN					
				RW					
				UT					
				CN	PM	3,500,000			
			Project Cost:			3,500,000	0	0	0
Shelby	20040	KY-53	ADDRESS PAVEMENT CONDITION ON KY-53 FROM MILEPOINT 8.01 TO MILEPOINT 13.79	PL					
				DN					
				RW					
				UT					
				CN	PM	900,000			
			Project Cost:			900,000	0	0	0
Total for Shelby county				PL					
				DN					
				RW			100,000		
				UT			100,000		
				CN		4,400,000	78,000,000	62,000,000	
			Total Amounts:			4,400,000	78,200,000	62,000,000	0
Simpson	8855	KY-1008	IMPROVE KY-1008 FROM KY-73 TO NORTH FRANKLIN STREET. (14CCN)	PL					
				DN					
				RW	SPP	1,790,000			
				UT	SPP		2,150,000		
				CN	SPP				3,070,000
			Project Cost:			1,790,000	2,150,000	0	3,070,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Simpson	8856	US-31	IMPROVE US-31W FROM KY-1008 TO KY-621. (14CCN)(16CCR)	PL					
				DN					
				RW	FED		1,740,000		
				UT	FED			4,870,000	
				CN	FED				12,660,000
			Project Cost:			0	1,740,000	4,870,000	12,660,000
Simpson	20014	I-65	ADDRESS PAVEMENT CONDITION OF I-065 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 13.71	PL					
				DN					
				RW					
				UT					
				CN	PM	8,250,000			
			Project Cost:			8,250,000	0	0	0
Simpson	20014.0001	I-65	ADDRESS PAVEMENT CONDITION OF I-065 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 13.71	PL					
				DN					
				RW					
				UT					
				CN	PM	8,250,000			
			Project Cost:			0	8,250,000	0	0
SIMPSON	80106	KY-1008	ADD A TURN LANE AT THE INTERSECTION OF KY 1008 AND US 31W	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,000,000			
			Project Cost:			1,000,000	0	0	0
Total for SIMPSON county				PL					
				DN					
				RW		1,790,000	1,740,000		
				UT			2,150,000	4,870,000	
				CN		9,250,000	8,250,000		15,730,000
			Total Amounts:			11,040,000	12,140,000	4,870,000	15,730,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
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 RW UT CN	SPP SPP SPP	40,000	820,000	16,030,000	
Project Cost:						40,000	820,000	16,030,000	0
Spencer	8955	KY-44	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY-44 NEAR DUTCHMAN CREEK ROAD. (16CCN)	PL DN RW UT CN		1,270,000			
Project Cost:						1,270,000	0	0	0
SPENCER	80150	KY-1319	REPLACE BRIDGE ON KY 1319 AT MP 1.970	PL DN RW UT CN	BR BR BR BR	100,000 10,000 30,000	1,107,000		
Project Cost:						140,000	1,107,000	0	0
Total for SPENCER county				PL DN RW UT CN		100,000 50,000 30,000 1,270,000	820,000 1,107,000	16,030,000	
Total Amounts:						1,450,000	1,927,000	16,030,000	0
Taylor	443	KY-70	IMPROVE SAFETY, ACCESS, GEOMETRICS AND DRAINAGE ON KY-70 IN CAMPBELLSVILLE FROM US-68 TO COUNTRY VIEW COURT (CS-1305)	PL DN RW UT CN	FED FED FED		1,000,000		2,000,000 2,000,000
Project Cost:						0	1,000,000	0	4,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
TAYLOR	80151	KY 210	ADDRESS SAFETY BY CONSTRUCTING A LEFT TURN LANE ON US 68 AT KRYSTAL MUSIC	PL DN RW UT CN	SPP		75,000		
				Project Cost:		0	75,000	250,000	0
Total for TAYLOR county				PL DN RW UT CN			1,075,000		
				Total Amounts:		0	1,075,000	250,000	4,000,000
Todd	8811	KY-181	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)(18CCN)	PL DN RW UT CN	FED	2,820,000			
				Project Cost:		2,820,000	0	0	0
Todd	80001	US-79	REDUCE CONGESTION AND IMPROVE MOBILITY ON US 79 FROM MP 0 TO 3 IN GUTHRIE INCLUDING WIDENING THE BRIDGE OVER CSX RAILROAD TO 4 LANES (FOR NOVELIS). (NEEDS PBFS)	PL DN RW UT CN	FED FED	5,150,000	9,160,000		
				Project Cost:		5,150,000	9,160,000	0	0
TODD	80102	US-79	REPLACE AND WIDEN BRIDGE TO 4 LANES ON US-79 AT MP 7.613 (BRIDGE OVER ELK FORK CREEK)	PL DN RW UT CN	SPP	2,500,000			
				Project Cost:		2,500,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for TODD county				PL					
				DN					
				RW					
				UT		5,150,000			
				CN		5,320,000	9,160,000		
				Total Amounts:		10,470,000	9,160,000	0	0
Trimble	905	US-421	ADDRESS SAFETY ISSUES AND ACCESS AT THE INTERSECTION OF US-421/KY-1226 AT MP 11.5. (12CCR)	PL					
				DN					
				RW	FED	690,000			
				UT	FED	550,000			
				CN	FED		1,070,000		
				Project Cost:		1,240,000	1,070,000	0	0
Total for Trimble county				PL					
				DN					
				RW		690,000			
				UT		550,000			
				CN			1,070,000		
				Total Amounts:		1,240,000	1,070,000	0	0
UNION	310.2101	KY-56	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	SPP	7,920,000			
				Project Cost:		7,920,000	0	0	0
Total for UNION county				PL					
				DN					
				RW					
				UT					
				CN		7,920,000			
				Total Amounts:		7,920,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Warren	8818	KY-884	THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY. (14CCN) (18CCN)	PL DN RW UT CN	SPP			8,780,000	
			Project Cost:			0	0	8,780,000	0
WARREN	8853	US-31	MINOR WIDENING (2 + 1 CONCEPT) FROM WARREN/SIMPSON COUNTY LINE TO BUCHANON PARK.(14CCN)	PL DN RW UT CN	SPP	13,500,000			
			Project Cost:			13,500,000	0	0	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 CN	SPP		7,000,000		
			Project Cost:			0	7,000,000	0	0
Warren	8857	US-31	IMPROVE US-31W FROM CAMPBELL LANE (US-231) TO UNIVERSITY BOULEVARD (US-231X). (14CCN)(16CCR)(18CCR)	PL DN RW UT CN	SPP SPP	5,800,000		4,550,000	
			Project Cost:			5,800,000	0	4,550,000	0
Warren	8904.1	US-31	WIDEN US 31W FROM PARK AVENUE TO FAIRVIEW AVENUE MP 13.7-14.25. (18CCN)	PL DN RW UT CN	FED FED		1,750,000	4,500,000	
			Project Cost:			0	1,750,000	4,500,000	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Warren	8905	US-31	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-31W FROM US-68 TO MIZPAH. (16CCN)	PL DN RW UT CN	FED	6,000,000			
			Project Cost:			6,000,000	0	0	0
Warren	20016.0001	I-65	ADDRESS PAVEMENT CONDITION OF I-065 BOTH DIRECTION(S) FROM MILEPOINT 13.711 TO MILEPOINT 25	PL DN RW UT CN	PM	6,500,000			
			Project Cost:			6,500,000	0	0	0
Warren	80051	KY-3225	SAFETY IMPROVEMENTS AND REHABILITATION ON KY-3225. KEEP EXISTING FOOTPRINT BY REPLACING CURBLINE IN SAME LOCATION FROM MP 0 TO MP 1(18CCN)	PL DN RW UT CN	SPP SPP SPP	1,230,000 110,000			
			Project Cost:			1,340,000	1,350,000	0	0
Warren	80052	KY-234	EXTEND THE 5 LANE SECTION ON KY-234 FROM MP 11.9 TO 12.4. IMPROVEMENTS MAY INCLUDE A ROUNDABOUT, TURN LANE, AND A SIGNAL AT HAMPTON DR.(18CCN)	PL DN RW UT CN	SPP SPP SPP SPP	290,000	220,000 1,760,000	1,710,000	
			Project Cost:			290,000	1,980,000	1,710,000	0
Total for Warren county				PL DN RW UT CN		290,000 1,230,000 5,910,000 26,000,000	220,000 3,510,000 8,350,000	19,540,000	
				Total Amounts:		33,430,000	12,080,000	19,540,000	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Washington	396.2	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ALONG US-150 FROM WEST OF OLD FREDERICKTOWN-BARDSTOWN ROAD (KY-1872) THROUGH GRUNDY HOME CURVE TO MAYFIELD LN (CR-1336). (2016BOP)	PL DN RW UT CN	FED FED	1,200,000	10,700,000		
Project Cost:						1,200,000	10,700,000	0	0
Total for Washington county				PL DN RW UT CN		1,200,000	10,700,000		
Total Amounts:						1,200,000	10,700,000	0	0
Wayne	4311	KY-789	INSTALL GUARDRAIL ON KY-789 IN WAYNE COUNTY	PL DN RW UT CN	GR	64,000			
Project Cost:						64,000	0	0	0
WAYNE	80105	KY-90	REDUCE CONGESTION AND IMPROVES SAFETY, CAPACITY AND MOBILITY OF KY 90 BETWEEN KY 90X/KY 1275 AND KY 3106	PL DN RW UT CN	SPP SPP SPP	6,078,000	2,920,000	22,143,000	
Project Cost:						6,078,000	2,920,000	22,143,000	0
WAYNE	80108	KY-92	ADDRESS SAFETY, MOBILITY, AND CONNECTIVITY BY RELOCATING ALONG KY 92 IN MONTICELLO BETWEEN LOCUST ST AND ELK SPRINGS CREEK RD	PL DN RW UT CN	SPP	900,000			
Project Cost:						900,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for WAYNE county				PL					
				DN					
				RW		6,078,000			
				UT			2,920,000		
				CN		964,000		22,143,000	
			Total Amounts:			7,042,000	2,920,000	22,143,000	0
WEBSTER	80105	US-41A	IMPROVE US 41A BEGINNING AT INDUSTRIAL DR	PL					
			AT HOPKINS CO ENDING AT PROVIDENCE	DN					
				RW	SPP	2,955,000			
				UT	SPP	6,404,000			
				CN	SPP		23,908,000		
			Project Cost:			9,359,000	23,908,000	0	0
Total for WEBSTER county				PL					
				DN					
				RW		2,955,000			
				UT		6,404,000			
				CN			23,908,000		
			Total Amounts:			9,359,000	23,908,000	0	0
WHITLEY	14.81	I-75	TENN. STATE LINE-LEXINGTON; WIDEN I-75 TO 8	PL					
			LANES FROM MP 20.2 IN WHITLEY COUNTY TO	DN					
			MP 28.85, US-25E NORTH OF CORBIN.	RW					
			(C-COST=\$87,500,000)(18CCR)	UT					
				CN	FED	15,000,000			
			Project Cost:			15,000,000	0	0	0
WHITLEY	14.82	I-75	TENN. STATE LINE-LEXINGTON; WIDEN I-75 TO 8	PL					
			LANES FROM MP 20.2 IN WHITLEY COUNTY TO	DN					
			MP 28.85, US-25E NORTH OF CORBIN.	RW					
			(C-COST=\$87,500,000)(18CCR)	UT					
				CN	FED		15,000,000		
			Project Cost:			0	15,000,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
WHITLEY	14.83	I-75	TENN. STATE LINE-LEXINGTON; WIDEN I-75 TO 8 Lanes FROM MP 20.2 IN WHITLEY COUNTY TO MP 28.85, US-25E NORTH OF CORBIN. (C-COST=\$87,500,000)(18CCR)	PL DN RW UT CN	FED			15,000,000	
			Project Cost:			0	0	15,000,000	0
Whitley	186	US-25	IMPROVE FREIGHT MOBILITY AND REDUCE CONGESTION ON US-25W FROM KY-727 TO KY-3041. (12CCR)(16CCR)	PL DN RW UT CN	FED		13,310,000		
			Project Cost:			0	13,310,000	0	0
Whitley	4328	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL DN RW UT CN	GR	6,000			
			Project Cost:			6,000	0	0	0
Whitley	4329	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL DN RW UT CN	GR	5,000			
			Project Cost:			5,000	0	0	0
Whitley	4330	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL DN RW UT CN	GR	54,000			
			Project Cost:			54,000	0	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Whitley	4335	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	121,000			
			Project Cost:			121,000	0	0	0
Whitley	4336	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	9,000			
			Project Cost:			9,000	0	0	0
Whitley	4337	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	13,000			
			Project Cost:			13,000	0	0	0
Whitley	4338	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	51,000			
			Project Cost:			51,000	0	0	0
Whitley	4339	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	19,000			
			Project Cost:			19,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Whitley	4340	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	24,000			
			Project Cost:			24,000	0	0	0
Whitley	4341	KY-836	INSTALL GUARDRAIL ON KY-836 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	59,000			
			Project Cost:			59,000	0	0	0
Whitley	4346	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		40,000		
			Project Cost:			0	40,000	0	0
Whitley	4347	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		25,000		
			Project Cost:			0	25,000	0	0
Whitley	4348	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		8,000		
			Project Cost:			0	8,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Whitley	4358	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		9,000		
			Project Cost:			0	9,000	0	0
Whitley	4359	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		11,000		
			Project Cost:			0	11,000	0	0
Whitley	4361	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		5,000		
			Project Cost:			0	5,000	0	0
Whitley	4362	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		16,000		
			Project Cost:			0	16,000	0	0
Whitley	4363	KY-836	INSTALL GUARDRAIL ON KY-836 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		10,000		
			Project Cost:			0	10,000	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Whitley	4364	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		41,000		
			Project Cost:			0	41,000	0	0
Whitley	4384	KY-11	INSTALL GUARDRAIL ON KY-11 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			15,000	
			Project Cost:			0	0	15,000	0
Whitley	4385	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			15,000	
			Project Cost:			0	0	15,000	0
Whitley	4386	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			17,000	
			Project Cost:			0	0	17,000	0
Whitley	4387	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			15,000	
			Project Cost:			0	0	15,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Whitley	4388	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			35,000	
			Project Cost:			0	0	35,000	0
Whitley	4389	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			9,000	
			Project Cost:			0	0	9,000	0
Whitley	4390	KY-26	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			4,000	
			Project Cost:			0	0	4,000	0
Whitley	4391	KY-478	INSTALL GUARDRAIL ON KY-478 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			49,000	
			Project Cost:			0	0	49,000	0
Whitley	4392	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			12,000	
			Project Cost:			0	0	12,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Whitley	4409	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				9,000
			Project Cost:			0	0	0	9,000
Whitley	4410	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				9,000
			Project Cost:			0	0	0	9,000
Whitley	4411	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				14,000
			Project Cost:			0	0	0	14,000
Whitley	4412	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				14,000
			Project Cost:			0	0	0	14,000
Whitley	4413	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				39,000
			Project Cost:			0	0	0	39,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Whitley	4414	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				32,000
			Project Cost:			0	0	0	32,000
Whitley	4415	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				11,000
			Project Cost:			0	0	0	11,000
Whitley	20015.0001	I-75	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 11.27	PL					
				DN					
				RW					
				UT					
				CN	PM	4,500,000			
			Project Cost:			4,500,000	0	0	0
Whitley	20018	I-75	ADDRESS PAVEMENT CONDITION OF I-075 CARDINAL DIRECTION(S) FROM MILEPOINT 20.2 TO MILEPOINT 24.645	PL					
				DN	PM		375,000		
				RW					
				UT					
				CN	PM			3,750,000	
			Project Cost:			0	375,000	3,750,000	0
Total for Whitley county				PL					
				DN			375,000		
				RW					
				UT					
				CN		19,861,000	28,475,000	18,921,000	128,000
			Total Amounts:			19,861,000	28,850,000	18,921,000	128,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Wolfe	168.2	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.6 MILES WEST OF THE KY 191 OVERPASS TO THE KY 1010 INTERCHANGE.	PL DN RW UT CN	FED	20,000,000			
			Project Cost:			20,000,000	0	0	0
Wolfe	168.2001	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.6 MILES WEST OF THE KY 191 OVERPASS TO THE KY 1010 INTERCHANGE.	PL DN RW UT CN	FED		20,000,000		
			Project Cost:			0	20,000,000	0	0
Wolfe	168.5	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY CORRIDOR TO 4 LANES FROM THE KY 1010 INTERCHANGE TO 0.45 MILES WEST OF THE KY 205 INTERCHANGE. (PRIORITY SECTION 1)	PL DN RW UT CN	FED	15,000,000			
			Project Cost:			15,000,000	0	0	0
Wolfe	168.5001	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY CORRIDOR TO 4 LANES FROM THE KY 1010 INTERCHANGE TO 0.45 MILES WEST OF THE KY 205 INTERCHANGE. (PRIORITY SECTION 1)	PL DN RW UT CN	FED		15,000,000		
			Project Cost:			0	15,000,000	0	0
Wolfe	168.5002	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY CORRIDOR TO 4 LANES FROM THE KY 1010 INTERCHANGE TO 0.45 MILES WEST OF THE KY 205 INTERCHANGE. (PRIORITY SECTION 1)	PL DN RW UT CN	FED				12,700,000
			Project Cost:			0	0	0	12,700,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Wolfe	212	KY-191	IMPROVE THE KY-191 AND KY-1812 INTERSECTION.	PL					
				DN	FED	290,000			
				RW	FED	120,000			
				UT	FED	110,000			
				CN	FED		900,000		
			Project Cost:			520,000	900,000	0	0
Wolfe	4319	KY-191	INSTALL GUARDRAIL ON KY-191 IN WOLFE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				15,000
			Project Cost:			0	0	0	15,000
Wolfe	4320	KY-746	INSTALL GUARDRAIL ON KY-746 IN WOLFE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR				65,000
			Project Cost:			0	0	0	65,000
Wolfe	20009.0001	KY-9000	ADDRESS PAVEMENT CONDITION OF BERT T. COMBS MOUNTAIN PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 36 TO MILEPOINT 42.85	PL					
				DN					
				RW					
				UT					
				CN	PM	3,000,000			
			Project Cost:			3,000,000	0	0	0
Total for Wolfe county				PL					
				DN		290,000			
				RW		120,000			
				UT		110,000			
				CN		38,000,000	35,900,000		12,780,000
			Total Amounts:			38,520,000	35,900,000	0	12,780,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Woodford	117	US-60	IMPROVE US 60 (VERSAILLES ROAD) FROM THE BLUEGRASS PARKWAY/HUNTERTOWN PIKE TO PISGAH PIKE. (18CCR)	PL					
				DN					
				RW	FED		2,210,000		
				UT	FED		2,380,000		
				CN	FED				10,240,000
			Project Cost:			0	4,590,000	0	10,240,000
Woodford	440	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY.	PL					
				DN	FED			870,000	
				RW					
				UT					
				CN					
			Project Cost:			0	0	870,000	0
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).(16CCN)(18CCN)	PL					
				DN					
				RW					
				UT	SPP	780,000			
				CN	SPP		2,250,000		
			Project Cost:			780,000	2,250,000	0	0
WOODFORD	80106	US-60	ACCESS MANAGEMENT IMPROVEMENTS ON US 60 FROM LEXINGTON ROAD AT WOODFORD FEED TO MARSAILLES DRIVE (MP 9.38 TO MP 9.70).(16CCN)(18CCN)	PL					
				DN					
				RW	SPP		1,000,000		
				UT	SPP			780,000	
				CN	SPP				2,250,000
			Project Cost:			0	1,000,000	780,000	2,250,000
WOODFORD	80108	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY.	PL					
				DN	SPP	870,000			
				RW	SPP		1,830,000		
				UT	SPP			2,340,000	
				CN	SPP				11,390,000
			Project Cost:			870,000	1,830,000	2,340,000	11,390,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Total for WOODFORD county				PL					
				DN		870,000		870,000	
				RW			5,040,000		
				UT		780,000	2,380,000	3,120,000	
				CN			2,250,000		23,880,000
			Total Amounts:			1,650,000	9,670,000	3,990,000	23,880,000
ZVARIOUS	65.1703	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR	4,000,000			
			Project Cost:			4,000,000	0	0	0
ZVARIOUS	65.1704	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR		4,000,000		
			Project Cost:			0	4,000,000	0	0
ZVARIOUS	65.1705	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR			4,000,000	
			Project Cost:			0	0	4,000,000	0
ZVARIOUS	65.1706	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR				5,000,000
			Project Cost:			0	0	0	5,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	66.1502	CO-0	'ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	FED	2,000,000			
				Project Cost:		2,000,000	0	0	0
ZVARIOUS	66.1503	CO-0	'ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	FED		2,000,000		
				Project Cost:		0	2,000,000	0	0
ZVARIOUS	66.1504	CO-0	'ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	FED			2,000,000	
				Project Cost:		0	0	2,000,000	0
ZVARIOUS	66.1505	CO-0	'ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	FED				2,000,000
				Project Cost:		0	0	0	2,000,000
ZVARIOUS	195.1602	CO-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2020 (98CCR)	PL					
				DN					
				RW					
				UT					
				CN	TAP	11,964,000			
				Project Cost:		11,964,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	195.1603	CO-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2020 (98CCR)	PL DN RW UT CN	TAP	<u>                    </u>	<u>11,964,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	11,964,000	0	0
ZVARIOUS	195.1604	CO-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2020 (98CCR)	PL DN RW UT CN	TAP	<u>                    </u>	<u>                    </u>	<u>11,964,000</u>	<u>                    </u>
			Project Cost:			0	0	11,964,000	0
ZVARIOUS	195.1605	CO-0	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2020 (98CCR)	PL DN RW UT CN	TAP	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>11,964,000</u>
			Project Cost:			0	0	0	11,964,000
ZVARIOUS	219.1802	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL DN RW UT CN	CM	<u>17,275,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
			Project Cost:			17,275,000	0	0	0
ZVARIOUS	219.1803	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL DN RW UT CN	CM	<u>                    </u>	<u>17,275,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	17,275,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	219.1804	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	CM			17,275,000	
			Project Cost:			0	0	17,275,000	0
ZVARIOUS	219.1805	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	CM				17,275,000
			Project Cost:			0	0	0	17,275,000
ZVARIOUS	224.1401	CO-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	PM	9,000,000			
			Project Cost:			9,000,000	0	0	0
ZVARIOUS	224.1402	CO-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	PM			9,000,000	
			Project Cost:			0	0	9,000,000	0
ZVARIOUS	327.1603	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR	5,000,000			
			Project Cost:			5,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	327.1604	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR		5,000,000		
			Project Cost:			0	5,000,000	0	0
ZVARIOUS	327.1605	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR			5,000,000	
			Project Cost:			0	0	5,000,000	0
ZVARIOUS	327.1606	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	BR				5,000,000
			Project Cost:			0	0	0	5,000,000
ZVARIOUS	337.1501	CO-0	STATEWIDE I-STATE ROUTES FOR FY 2021. (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	PM	9,000,000			
			Project Cost:			9,000,000	0	0	0
ZVARIOUS	337.1502	CO-0	STATEWIDE I-STATE ROUTES FOR FY 2021. (14CCR)	PL					
				DN					
				RW					
				UT					
				CN	PM			9,000,000	
			Project Cost:			0	0	9,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	346.1603	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR	3,000,000			
			Project Cost:			3,000,000	0	0	0
ZVARIOUS	346.1604	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR		3,000,000		
			Project Cost:			0	3,000,000	0	0
ZVARIOUS	346.1605	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR			3,000,000	
			Project Cost:			0	0	3,000,000	0
ZVARIOUS	346.1606	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR				3,000,000
			Project Cost:			0	0	0	3,000,000
ZVARIOUS	352.1602	CO-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL DN RW UT CN	FED	4,400,000			
			Project Cost:			4,400,000	0	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	352.1603	CO-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL DN RW UT CN	FED	<u>                    </u>	<u>4,400,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	4,400,000	0	0
ZVARIOUS	352.1604	CO-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL DN RW UT CN	FED	<u>                    </u>	<u>                    </u>	<u>4,400,000</u>	<u>                    </u>
			Project Cost:			0	0	4,400,000	0
ZVARIOUS	352.1605	CO-0	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL DN RW UT CN	FED	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>4,400,000</u>
			Project Cost:			0	0	0	4,400,000
ZVARIOUS	369.1001	CO-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2021.	PL DN RW UT CN	PM	<u>9,000,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
			Project Cost:			9,000,000	0	0	0
ZVARIOUS	369.1002	CO-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2021.	PL DN RW UT CN	PM	<u>                    </u>	<u>                    </u>	<u>9,000,000</u>	<u>                    </u>
			Project Cost:			0	0	9,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	388.1003	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BR	4,000,000			
			Project Cost:			4,000,000	0	0	0
ZVARIOUS	388.1004	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BR		4,000,000		
			Project Cost:			0	4,000,000	0	0
ZVARIOUS	388.1005	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BR			4,000,000	
			Project Cost:			0	0	4,000,000	0
ZVARIOUS	388.1006	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BR				4,000,000
			Project Cost:			0	0	0	4,000,000
ZVARIOUS	391.0602	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL DN RW UT CN	FED	1,000,000			
			Project Cost:			1,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	391.0603	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL					
				DN	FED		1,000,000		
				RW					
				UT					
				CN					
				Project Cost:		0	1,000,000	0	0
ZVARIOUS	391.0604	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL					
				DN	FED			1,000,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	1,000,000	0
ZVARIOUS	391.0605	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL					
				DN	FED				1,000,000
				RW					
				UT					
				CN					
				Project Cost:		0	0	0	1,000,000
ZVARIOUS	391.0702	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL					
				DN	SPP	5,000,000			
				RW					
				UT					
				CN					
				Project Cost:		5,000,000	0	0	0
ZVARIOUS	391.0703	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL					
				DN	SPP		5,000,000		
				RW					
				UT					
				CN					
				Project Cost:		0	5,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	391.0704	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL					
				DN	SPP			5,000,000	
				RW					
				UT					
				CN					
			Project Cost:			0	0	5,000,000	0
ZVARIOUS	391.0705	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL					
				DN	SPP				5,000,000
				RW					
				UT					
				CN					
			Project Cost:			0	0	0	5,000,000
ZVARIOUS	395.0801	CO-0	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2021.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	PM	9,000,000			
			Project Cost:			9,000,000	0	0	0
ZVARIOUS	395.0802	CO-0	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2021.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	PM			9,000,000	
			Project Cost:			0	0	9,000,000	0
ZVARIOUS	400.0702	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	FED	500,000			
			Project Cost:			500,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	400.0703	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2021.	PL DN RW UT CN	FED	<u>                    </u>	<u>500,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	500,000	0	0
ZVARIOUS	400.0704	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2021.	PL DN RW UT CN	FED	<u>                    </u>	<u>                    </u>	<u>500,000</u>	<u>                    </u>
			Project Cost:			0	0	500,000	0
ZVARIOUS	400.0705	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2021.	PL DN RW UT CN	FED	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>500,000</u>
			Project Cost:			0	0	0	500,000
ZVARIOUS	510.0502	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL DN RW UT CN	BR	<u>2,000,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
			Project Cost:			2,000,000	0	0	0
ZVARIOUS	510.0503	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL DN RW UT CN	BR	<u>                    </u>	<u>2,000,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	2,000,000	0	0

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ZVARIOUS	510.0504	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL DN RW UT CN	BR			2,000,000	
			Project Cost:			0	0	2,000,000	0
ZVARIOUS	510.0505	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL DN RW UT CN	BR				15,000,000
			Project Cost:			0	0	0	15,000,000
ZVARIOUS	511.0402	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2020.	PL DN RW UT CN	FED	1,000,000			
			Project Cost:			1,000,000	0	0	0
ZVARIOUS	511.0403	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2020.	PL DN RW UT CN	FED		1,000,000		
			Project Cost:			0	1,000,000	0	0
ZVARIOUS	511.0404	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2020.	PL DN RW UT CN	FED			1,000,000	
			Project Cost:			0	0	1,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	511.0405	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	FED				1,000,000
			Project Cost:			0	0	0	1,000,000
ZVARIOUS	514.0101	CO-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BR	5,000,000			
			Project Cost:			5,000,000	0	0	0
ZVARIOUS	514.0102	CO-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BR			5,000,000	
			Project Cost:			0	0	5,000,000	0
ZVARIOUS	514.0103	CO-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2021.	PL					
				DN					
				RW					
				UT					
				CN	BR				5,000,000
			Project Cost:			0	0	0	5,000,000
ZVARIOUS	518.0102	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	FED	5,000,000			
			Project Cost:			5,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	518.0103	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020.	PL DN RW UT CN	FED	<u>0</u>	<u>5,000,000</u>	<u>0</u>	<u>0</u>
				Project Cost:		0	5,000,000	0	0
ZVARIOUS	518.0104	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020.	PL DN RW UT CN	FED	<u>0</u>	<u>0</u>	<u>5,000,000</u>	<u>0</u>
				Project Cost:		0	0	5,000,000	0
ZVARIOUS	518.0105	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020.	PL DN RW UT CN	FED	<u>0</u>	<u>0</u>	<u>0</u>	<u>5,000,000</u>
				Project Cost:		0	0	0	5,000,000
ZVARIOUS	911.0903	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF	<u>38,500,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
				Project Cost:		38,500,000	0	0	0
ZVARIOUS	911.0904	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF	<u>0</u>	<u>38,500,000</u>	<u>0</u>	<u>0</u>
				Project Cost:		0	38,500,000	0	0



# 2022-2026 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	911.0905	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF	<u>                    </u>	<u>                    </u>	<u>38,500,000</u>	<u>                    </u>
			Project Cost:			0	0	38,500,000	0
ZVARIOUS	911.0906	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>38,500,000</u>
			Project Cost:			0	0	0	38,500,000
ZVARIOUS	1063.1603	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR	<u>1,000,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
			Project Cost:			1,000,000	0	0	0
ZVARIOUS	1063.1604	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR	<u>                    </u>	<u>1,000,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	1,000,000	0	0
ZVARIOUS	1063.1605	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR	<u>                    </u>	<u>                    </u>	<u>1,000,000</u>	<u>                    </u>
			Project Cost:			0	0	1,000,000	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	1063.1606	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR				1,000,000
			Project Cost:			0	0	0	1,000,000
ZVARIOUS	1071.0803	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2020.	PL DN RW UT CN	BR	3,000,000			
			Project Cost:			3,000,000	0	0	0
ZVARIOUS	1071.0804	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2020.	PL DN RW UT CN	BR		3,000,000		
			Project Cost:			0	3,000,000	0	0
ZVARIOUS	1071.0805	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2020.	PL DN RW UT CN	BR			3,000,000	
			Project Cost:			0	0	3,000,000	0
ZVARIOUS	1071.0806	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2020.	PL DN RW UT CN	BR				3,000,000
			Project Cost:			0	0	0	3,000,000

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	1074.0802	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2021.	PL DN RW UT CN	BR	3,000,000			
			Project Cost:			3,000,000	0	0	0
ZVARIOUS	1074.0803	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2021.	PL DN RW UT CN	BR		3,000,000		
			Project Cost:			0	3,000,000	0	0
ZVARIOUS	1074.0804	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2021.	PL DN RW UT CN	BR			3,000,000	
			Project Cost:			0	0	3,000,000	0
ZVARIOUS	1074.0805	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2021.	PL DN RW UT CN	BR				5,000,000
			Project Cost:			0	0	0	5,000,000
ZVARIOUS	2700.1403	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL DN RW UT CN	PM	5,000,000			
			Project Cost:			5,000,000	0	0	0

## 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	2700.1404	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	PM		5,000,000		
			Project Cost:			0	5,000,000	0	0
ZVARIOUS	2700.1405	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	PM			5,000,000	
			Project Cost:			0	0	5,000,000	0
ZVARIOUS	2700.1406	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL					
				DN					
				RW					
				UT					
				CN	PM				5,000,000
			Project Cost:			0	0	0	5,000,000
ZVARIOUS	3011.0102	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL					
				DN					
				RW					
				UT					
				CN	FED	1,000,000			
			Project Cost:			1,000,000	0	0	0
ZVARIOUS	3011.0103	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL					
				DN					
				RW					
				UT					
				CN	FED		1,000,000		
			Project Cost:			0	1,000,000	0	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	3011.0104	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL DN RW UT CN	FED	<u>                    </u>	<u>                    </u>	<u>1,000,000</u>	<u>                    </u>
			Project Cost:			0	0	1,000,000	0
ZVARIOUS	3011.0105	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL DN RW UT CN	FED	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>1,000,000</u>
			Project Cost:			0	0	0	1,000,000
ZVARIOUS	8500.1602	CO-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL DN RW UT CN	FED	<u>2,500,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
			Project Cost:			2,500,000	0	0	0
ZVARIOUS	8500.1603	CO-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL DN RW UT CN	FED	<u>                    </u>	<u>2,500,000</u>	<u>                    </u>	<u>                    </u>
			Project Cost:			0	2,500,000	0	0
ZVARIOUS	8500.1604	CO-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL DN RW UT CN	FED	<u>                    </u>	<u>                    </u>	<u>2,500,000</u>	<u>                    </u>
			Project Cost:			0	0	2,500,000	0

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	8500.1605	CO-0	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL DN RW UT CN	FED				2,500,000
			Project Cost:			0	0	0	2,500,000
ZVARIOUS	9068.6103	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2020. (12CCR)	PL DN RW UT CN	GAR	21,000,000			
			Project Cost:			21,000,000	0	0	0
ZVARIOUS	9068.6104	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2020. (12CCR)	PL DN RW UT CN	GAR		21,000,000		
			Project Cost:			0	21,000,000	0	0
ZVARIOUS	9068.6105	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2020. (12CCR)	PL DN RW UT CN	GAR			21,000,000	
			Project Cost:			0	0	21,000,000	0
ZVARIOUS	9068.6106	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2020. (12CCR)	PL DN RW UT CN	GAR				21,000,000
			Project Cost:			0	0	0	21,000,000

# 2022-2026 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
ZVARIOUS	9068.6603	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2020.	PL DN RW UT CN	GAR	21,000,000			
			Project Cost:			21,000,000	0	0	0
ZVARIOUS	9068.6604	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2020.	PL DN RW UT CN	GAR		21,000,000		
			Project Cost:			0	21,000,000	0	0
ZVARIOUS	9068.6605	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2020.	PL DN RW UT CN	GAR			21,000,000	
			Project Cost:			0	0	21,000,000	0
ZVARIOUS	9068.6606	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2020.	PL DN RW UT CN	GAR				21,000,000
			Project Cost:			0	0	0	21,000,000
ZVARIOUS	9659.2303	CO-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	GAR	30,000,000			
			Project Cost:			30,000,000	0	0	0

County	Item No.	Route	Description	Phase	Fund	FY 2023	FY 2024	FY 2025	FY 2026
ZVARIOUS	9659.2304	CO-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	GAR	<div><div></div><div>0</div></div>	<div><div></div><div>30,000,000</div></div>	<div><div></div><div>0</div></div>	<div><div></div><div>0</div></div>
Project Cost:									
ZVARIOUS	9659.2305	CO-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	GAR	<div><div></div><div>0</div></div>	<div><div></div><div>0</div></div>	<div><div></div><div>30,000,000</div></div>	<div><div></div><div>0</div></div>
Project Cost:									
ZVARIOUS	9659.2306	CO-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	GAR	<div><div></div><div>0</div></div>	<div><div></div><div>0</div></div>	<div><div></div><div>0</div></div>	<div><div></div><div>30,000,000</div></div>
Project Cost:									
Total for ZVARIOUS county				PL DN RW UT CN		<div><div></div><div>6,000,000</div></div>	<div><div></div><div>6,000,000</div></div>	<div><div></div><div>6,000,000</div></div>	<div><div></div><div>6,000,000</div></div>
Total Amounts:						<div><div></div><div>227,139,000</div></div>	<div><div></div><div>186,139,000</div></div>	<div><div></div><div>227,139,000</div></div>	<div><div></div><div>207,139,000</div></div>



## Fund Summary

<b>Fund</b>	<b>Description</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Total</b>
BR	FEDERAL BRIDGE REPLACEMENT	87,214,000	64,837,000	77,186,000	76,575,000	305,812,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	17,275,000	17,275,000	17,275,000	17,275,000	69,100,000
FED	FEDERAL PROJECT FUNDS	759,449,000	958,798,000	626,892,000	802,737,000	3,147,876,000
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	72,000,000	72,000,000	72,000,000	72,000,000	288,000,000
GR	GUARD RAIL INSTALLATION	3,723,000	4,024,000	4,005,000	3,901,000	15,653,000
HPP	HIGH PRIORITY PROJECTS	1,439,840	0	0	0	1,439,840
IF	INNOVATIVE FINANCING	50,000,000	0	23,400,000	0	73,400,000
PM	PAVEMENT MANAGEMENT	173,450,000	112,728,000	142,027,500	63,955,000	492,160,500
SAF	FEDERAL SAFETY FUNDS	38,500,000	38,500,000	38,500,000	38,500,000	154,000,000
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,782,000	1,782,000	1,782,000	1,782,000	7,128,000
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	900,000	900,000	900,000	900,000	3,600,000
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	26,209,000	26,209,000	26,209,000	26,209,000	104,836,000
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	9,140,000	9,140,000	9,140,000	9,140,000	36,560,000
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	10,330,000	10,330,000	10,330,000	10,330,000	41,320,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	344,014,200	349,844,200	405,429,000	677,192,200	1,776,479,600
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	11,964,000	11,964,000	11,964,000	11,964,000	47,856,000
Total Amount		1,607,390,040	1,678,331,200	1,467,039,500	1,812,460,200	6,565,220,940

**CHAPTER 84****( HB 355 )**

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:** Notwithstanding KRS 48.110, 48.300, and any other statute to the contrary, 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, 2020, and ending June 30, 2021, 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.

	<b>2020-21</b>	<b>2021-22</b>
<b>1. General Assembly</b>		
General Fund	19,020,700	-0-
Restricted Funds	75,000	-0-
<b>TOTAL</b>	<b>19,095,700</b>	<b>-0-</b>

(1) **Legislators Compensation:** 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, 2020, level.

(2) **Kentucky Legislative Ethics Commission:** Included in the above General Fund appropriation is \$567,700 in fiscal year 2020-2021 for the Kentucky Legislative Ethics Commission. Included in the above Restricted Funds appropriation is \$75,000 in fiscal year 2020-2021 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, 2020, and shall remain suspended for the 2020-2022 fiscal biennium or until funding is restored. No funds are appropriated for the Kentucky Long-Term Policy Research Center for fiscal year 2020-2021 and fiscal year 2021-2022.

(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, 2020.

	<b>2020-21</b>	<b>2021-22</b>
<b>2. Legislative Research Commission</b>		
General Fund	52,965,700	-0-

(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 2020-2021. 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.

(2) **Legislative Record:** Notwithstanding KRS 7.105, distribution of the final issue of the Legislative Record and the interim Legislative Record shall be suspended effective July 1, 2020.

**TOTAL - OPERATING BUDGET**

<b>2020-21</b>	<b>2021-22</b>
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General Fund	71,986,400	-0-
Restricted Funds	75,000	-0-
<b>TOTAL</b>	<b>72,061,400</b>	<b>-0-</b>

**Unexpended Balance:** Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2019-2020 shall not lapse but shall continue into fiscal year 2020-2021, and any unexpended balance in any succeeding fiscal year shall not lapse but shall continue into the following fiscal year.

#### **TOTAL - LEGISLATIVE BRANCH BUDGET**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	71,986,400	-0-
Restricted Funds	75,000	-0-
<b>TOTAL</b>	<b>72,061,400</b>	<b>-0-</b>

### **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 2020 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:** Notwithstanding KRS 48.630(10), no revisions for unbudgeted Restricted Funds appropriations for expenditure shall be allotted or expended that have not been appropriated in any enacted branch budget bill or without the express authority of the General Assembly.

**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, 2020, June 30, 2021, and June 30, 2022, shall not be issued prior to July 1, 2020, July 1, 2021, and July 1, 2022, respectively.

**9. Salary Adjustments:** In each fiscal year, employees of the Legislative Research Commission shall receive a salary adjustment in accordance with the salary adjustment provided to state employees in the state/executive branch budget.

**10. Administrative Expenses:** Pursuant to KRS 21.540, administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary moneys, in appropriate ratio, from the funds provided for in KRS 21.550 and 21.560.

**11. Employee Layoffs, Furloughs, and Reduced Hours:** Notwithstanding any statute to the contrary, the following process and procedure is established for July 1, 2020, through June 30, 2021, in the event that the Legislative Research Commission (LRC) determines that it is desirable for the Director of the LRC to layoff, furlough, or reduce hours of employees:

(1) For the purposes of this section:

(a) "Appointing authority" means the Director of the LRC, in his or her capacity as provided in KRS 27A.010, or any agent whom he or she has delegated to act on his or her behalf with respect to employee appointments, position establishments, payroll documents, reemployment requests, waiver requests, requests for certification, or other position actions for the LRC;

(b) "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period;

(c) "Layoff" means discharge of employment subject to the rights contained in this section; and

(d) "Employees" includes all persons employed by the LRC;

(2) Upon an order by the LRC, the appointing authority has the authority to layoff or furlough employees or reduce hours of employment for any of the following reasons:

(a) Lack of funds or budgetary constraints;

(b) A reduction in the agency's spending authorization;

(c) Lack of work;

(d) Abolishment of a position; or

(e) Other material change in duties or organization;

(3) The appointing authority shall determine the job classifications affected and the number of employees laid-off in each classification to which a layoff applies. In the same department or office and job classification, interim and probationary employees shall be laid-off before any full-time or part-time employees are laid-off. For purposes of layoff, "probationary employee" does not include an employee serving a promotional probation;

(4) The Director of the LRC shall approve and implement all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until such approval has been granted. The Director of the LRC has the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section;

(5) In determining the employees to be laid-off, the appointing authority shall consider all employees under the same appointing authority and within the job classification affected. Consideration shall be given to the following relevant factors:

(a) Job performance evaluations;

(b) Seniority;

(c) Education, training, and experience; and

(d) Disciplinary record;

(6) Any employee whose position is subject to layoff, furlough, or reduction of hours shall be provided written notice containing the reason for the action as set forth in subsection (2) of this section at least 15 days in advance of the effective date of the action;

(7) Any employee who is laid-off shall be eligible to apply as a reemployment applicant for positions with the same job classification in the LRC. For a period of two years, a reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same reemployment list. When a reemployment applicant is removed from a reemployment list, he or she shall be notified in writing. A reemployment applicant who accepts another LRC position, or who retires, shall cease to have eligibility rights as a reemployment applicant;

(8) The appointing authority may place employees subject to a reduction in force;

(9) Furloughs or reduction of hours during a pay period shall not result in the loss of eligibility for any benefit otherwise due the employee;

(10) The appointing authority shall have the authority to promulgate comprehensive administrative regulations governing this section; and

(11) A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be considered a penalization of the employee.

### PART III

#### BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Legislative Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with KRS Chapter 48, except that obligations essential to the constitutional duties of the Legislative Branch shall be exempt from any Budget Reduction Plan. The level of participation in a Budget Reduction Plan shall be at the discretion of the Director and shall not exceed the actual percentage of revenue shortfall.

**Signed by Governor April 13, 2020.**

### CHAPTER 85

#### ( SB 15 )

AN ACT proposing to create a new section of the Constitution of Kentucky relating to crime victims' rights.

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

➔Section 1. Are you in favor of creating a new section of the Constitution of Kentucky relating to crime victims, as proposed in Section 2 below?

➔SECTION 2. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

*To secure for victims of criminal acts or public offenses justice and due process and to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, a victim, as defined by law which takes effect upon the enactment of this section and which may be expanded by the General Assembly, shall have the following rights, which shall be respected and protected by law in a manner no less vigorous than the protections afforded to the accused in the criminal and juvenile justice systems: victims shall have the reasonable right, upon request, to timely notice of all proceedings and to be heard in any proceeding involving a release, plea, sentencing, or in the consideration of any pardon, commutation of sentence, granting of a reprieve, or other matter involving the right of a victim other than grand jury proceedings; the right to be present at the trial and all other proceedings, other than grand jury proceedings, on the same basis as the accused; the right to proceedings free from unreasonable delay; the right to consult with the attorney for the Commonwealth or the attorney's designee; the right to reasonable protection from the accused and those acting on behalf of the accused throughout the criminal and juvenile justice process; the right to timely notice, upon request, of release or escape of the accused; the right to have the safety of the victim and the victim's family considered in setting bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction; the right to full restitution to be paid by the convicted or adjudicated party in a manner to be determined by the court, except that in the case of a juvenile offender the court shall determine the amount and manner of paying the restitution taking into consideration the best interests of the juvenile offender and the victim; the right to fairness and due consideration of the crime victim's safety, dignity, and privacy; and the right to be informed of these enumerated rights, and shall have standing to assert these rights. The victim, the victim's attorney or other lawful representative, or the attorney for the Commonwealth upon request of the victim may seek enforcement of the rights enumerated in this section and any other right afforded to the victim by law in any trial or appellate court with jurisdiction over the case. The court shall act promptly on such a request and afford a remedy for the violation of any right. Nothing in this section shall afford the victim party status, or be construed as altering the presumption of innocence in the criminal justice system. The accused shall not have standing to assert the rights of a victim. Nothing in this section shall be construed to alter the powers, duties, and responsibilities of the prosecuting attorney. Nothing in this section or any law enacted under this section creates a cause of action for compensation, attorney's fees, or damages against the Commonwealth, a county, city, municipal corporation, or other political subdivision of the Commonwealth, an officer, employee, or agent of the Commonwealth, a county, city, municipal corporation, or*

*any political subdivision of the Commonwealth, or an officer or employee of the court. Nothing in this section or any law enacted under this section shall be construed as creating:*

- (1) A basis for vacating a conviction; or*
- (2) A ground for any relief requested by the defendant.*

➔Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 4 and 5 of this Act.

➔Section 4. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State shall cause the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to be published at least one (1) time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication required by this section and KRS 118.415 shall be made no later than the first Tuesday in August preceding the election at which the amendment is to be voted on.

➔Section 5. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the question in Section 1 of this Act and the entirety of the proposed amendment to the Constitution of Kentucky contained in Section 2 of this Act to the county clerk of each county, and the county clerk shall have the question in Section 1 of this Act and the entirety of the amendment contained in Section 2 of this Act, as so certified, indicated on the ballots provided to the voters in paper or electronic form as applicable to the voting machines in use in each county or precinct.

**Signature not required. Delivered to Secretary of State, April 14, 2020.**

## **CHAPTER 86**

**( HB 150 )**

AN ACT relating to the interpretation of laws and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 446 IS CREATED TO READ AS FOLLOWS:

- (1) A statement or restatement of the law in any legal treatise, scholarly publication, textbook, or other explanatory text shall not constitute the law or public policy of the Commonwealth of Kentucky. No Kentucky court shall treat any such publication or text as controlling authority.*
- (2) In the absence of a constitutional section or a statute on a given matter, Kentucky shall be deemed to have adopted the common law.*

➔Section 2. Whereas there currently exist legal treatises that are inconsistent with the well-established law of this state that purport to address matters which are properly in the legislative prerogative, 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 law.

**Vetoed April 7, 2020. Veto overridden and became law April 14, 2020.**

## **CHAPTER 87**

## ( HB 195 )

AN ACT relating to the publication of local government legal advertisements.

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

➔SECTION 1. A NEW SECTION OF KRS 424.110 TO 424.370 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Local government" means:*

1. *Any urban-county government;*
2. *Any consolidated local government;*
3. *Any charter county;*
4. *Any unified local government; and*
5. *In any county containing a population of eighty thousand (80,000) or more based upon the most recent federal decennial census, the county itself or any:*
  - a. *City within the county;*
  - b. *Any special district within the county;*
  - c. *Any school district within the county; or*
  - d. *Any special purpose governmental entity within the county; and*

(b) *"Notice Web site" means an Internet Web site that is maintained by a local government or a third party under contract with the local government, which contains links to the legal advertisements or notices electronically published by the local government.*

(2) *Local governments may satisfy the requirements of this chapter or any other provision of law requiring the publication of an advertisement in a newspaper by following the alternative procedures established in this section.*

(3) *In lieu of newspaper publication, a local government may post the required advertisement online on a notice Web site operated by the local government that is accessible to the public at all times in accordance with subsections (4) to (9) of this section. Publication of an advertisement shall be deemed to have occurred on the date the advertisement is posted on the local government's notice Web site.*

(4) *In conjunction with an alternative Internet posting, the local government shall publish a newspaper advertisement one (1) time providing notice that the public may view the full advertisement on the notice Web site. The newspaper advertisement shall:*

- (a) *Be not more than six (6) column inches and meet the technical requirements of KRS 424.160(1);*
- (b) *Be published within ten (10) days of the alternative posting on the notice Web site when the purpose of the posting is to inform the public of a completed act, including those acts specified in KRS 424.130(1)(a), or within three (3) days of the posting when the purpose of the posting is to inform the public of the right to take a certain action, including the events specified in KRS 424.130(1)(b) and (d);*
- (c) *Inform the public of the subject matter of the alternative posting, inform the public of its right to inspect any documents associated with the Internet posting by contacting the local government, and provide a mailing and a physical address where a copy of the document may be obtained and the Web address if the document is available online; and*
- (d) *Provide the full Uniform Resource Locator (URL) of the notice Web site address and the full Uniform Resource Locator (URL) of the address where the full advertisement may be directly viewed along with a telephone number for the local government.*

(5) *In addition to specific legal requirements applicable to a particular type of advertisement:*

- (a) *The contents of each alternative Internet posting shall meet the minimum requirements of KRS 424.140; and*

- (b) *The local government shall make the alternative Internet posting in accordance with the times and periods established by KRS 424.130, and shall actively maintain the alternative Internet posting on its public Web site:*
1. *Until the deadline passes or the event occurs if the substance of the advertisement is intended to advise the public of a time to take action or the occurrence of a future event;*
  2. *For at least ninety (90) days if the substance of the advertisement is to inform the public of an action taken by the local government, such as the enactment of an ordinance; or*
  3. *For one (1) year or until updated or replaced with a more recent version if the substance of the advertisement is intended to inform the public about the financial status of the local government, such as annual audits or the budget.*
- (6) *The local government shall display access to any and all alternative Internet postings made pursuant to this section prominently on the homepage or first page of the notice Web site. The section of the notice Web site containing any postings and the actual advertisement shall be made in a manner where the public can readily and with minimal effort identify the location of and easily retrieve the advertisements.*
- (7) *The local government shall provide a conspicuous statement on its notice Web site that individuals who have difficulty in accessing the contents of posted advertisements may contact the local government for information regarding alternative methods of accessing advertisements, which shall include the telephone number of the local government.*
- (8) *As proof of an alternative Internet posting to satisfy any newspaper publication requirement, the local government shall memorialize the posting by capturing the posting in electronic or paper format and shall complete an affidavit signed by the person responsible for causing publications under KRS 424.150, stating that the local government satisfied the publication requirement by alternative Internet posting. The affidavit shall specify the active dates of the notice Web site posting, the specific statutory requirements being satisfied by the alternative Internet posting, and the notice Web site address where the alternative posting was located, including the full Uniform Resource Locator (URL) used for the posting. The local government shall retain the captured posting and the affidavit by the person responsible for publication for a period of three (3) years. Together, the captured posting and the affidavit shall constitute prima facie evidence that the posting was made and occurred as stated within the affidavit.*
- (9) *The failure to cause the newspaper advertisement required in subsection (4) of this section shall not void the action of the local government or negate the enforceability of the matter advertised by alternative Internet posting. Any person who violates the requirements of subsection (4) of this section shall be subject to the penalties provided in Section 3 of this Act.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 424 IS CREATED TO READ AS FOLLOWS:

- (1) *If a newspaper qualified under KRS 424.120 either makes an error or fails in time or substance to make a publication in accordance with KRS 424.130 or 424.140 after receiving the information to be published, a city or county affected thereby may, after it has notice of the error or failure and to avoid undue delay of governmental process and procedure, remedy the error or failure by causing the publication to occur on a notice Web site as defined in Section 1 of this Act.*
- (2) *Notwithstanding the time requirements imposed by KRS 424.130, a city or county publishing to remedy an error or failure of a newspaper under subsection (1) of this section shall immediately cause the publication of the matter on a notice Web site, and this remedial Web site publication shall be deemed in full compliance with the requirements of this chapter.*

➔Section 3. KRS 424.990 is amended to read as follows:

Any person who violates any provision of KRS 424.110 to 424.370 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 KRS 424.220, 424.230, 424.240, 424.250, 424.290, ~~or~~ 424.330, **or subsection (4) of Section 1 of this Act** shall, for each such 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 citizen of the **local government** ~~city, county or district~~ for which the officer serves. The costs of all proceedings, including a reasonable fee for the attorney of the citizen bringing the action, shall be assessed against the unsuccessful party.

➔Section 4. KRS 67.077 is amended to read as follows:



- (1) No county ordinance shall be passed until it has been read on two (2) separate days, but ordinances may be read by title and a summary only. A proposed ordinance may be amended by the fiscal court after its first reading and prior to its adoption. All amendments shall be proposed in writing, and only by setting out in full each amended section.
- (2) ~~[No county ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date, and place at which the county ordinance will be considered, and a place within the county where a copy of the full text of the proposed ordinance is available for public inspection. Publication of amendments to a proposed ordinance shall be required, pursuant to KRS Chapter 424, prior to its adoption, and amendments shall be filed with the full text of the proposed ordinance that is available for public inspection. If consideration for passage is continued from the initial meeting to a subsequent date, no further publication shall be necessary if at each meeting the time, date, and place of the next meeting are announced.]~~
- ~~(3)~~ All county ordinances and amendments shall be published *pursuant to KRS Chapter 424* after passage and may be published in full or in summary form at the discretion of the fiscal court. If applicable, a sketch, drawing, or map, together with a narrative description written in layman's terms, may be used in lieu of metes and bounds descriptions. If published in summary form, publication shall contain notice of a place in the county where the full text of the ordinance or amendment is available for public inspection.
- ~~(3)~~~~(4)~~ Traffic, building, housing, plumbing, electrical, safety, and other self-contained codes may be adopted by reference if a copy of the code is kept with the adopting ordinance and is made a part of the permanent records of the county.
- ~~(4)~~~~(5)~~ The provisions of this section shall not be applicable in counties that have pursuant to KRS 67.830 adopted a charter county form of government or pursuant to KRS Chapter 67A adopted an urban-county form of government or pursuant to KRS Chapter 67C adopted a consolidated local government.

➔Section 5. KRS 83A.060 is amended to read as follows:

- (1) Each ordinance shall embrace only one (1) subject and shall have a title that shall clearly state the subject.
- (2) Each ordinance shall be introduced in writing and shall have an enacting clause styled "Be it ordained by the City of \_\_\_\_\_:".
- (3) No ordinance shall be amended by reference to its title only, and ordinances to amend shall set out in full the amended ordinance or section indicating any text being added by a single solid line drawn underneath it. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be stricken through with a single solid line.
- (4) Except as provided in subsection (7) of this section, no ordinance shall be enacted until it has been read on two (2) separate days. The reading of an ordinance may be satisfied by stating the title and reading a summary rather than the full text.
- (5) A city legislative body may adopt the provisions of any local, statewide, or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.
- (6) Unless otherwise provided by statute, a majority of a legislative body shall constitute a quorum and a vote of a majority of a quorum shall be sufficient to take action.
- (7) In an emergency, upon the affirmative vote of two-thirds (2/3) of the membership, a city legislative body may suspend the requirements of second reading and publication to provide for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of subsection (9) of this section shall be complied with within ten (10) days of the enactment of the emergency ordinance.
- (8) Every action of the city legislative body shall be made a part of the permanent records of the city and on passage of an ordinance the vote of each member of the city legislative body shall be entered on the official record of the meeting. The legislative body shall provide by ordinance for the maintenance and safekeeping of the permanent records of the city. The person assigned this responsibility and the presiding officer shall sign the official record of each meeting. All ordinances adopted in a city shall, at the end of each month, be indexed and maintained in the following manner:
  - (a) The city budget, appropriations of money, and tax levies shall be maintained and indexed so that each fiscal year is kept separate from other years.

- (b) All other city ordinances shall be kept in the minute book or an ordinance book in the order adopted and indexed in a composite index or maintained in a code of ordinances.
- (9) Except in cities of the first class, a charter county government, and as provided in subsection (7) of this section, no ordinance shall be ~~enforceable~~<sup>effective</sup> until published pursuant to KRS Chapter 424. Ordinances may be published in full or in summary as designated by the legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared or certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:
  - (a) The title of the ordinance;
  - (b) A brief narrative setting forth the main points of the ordinance in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the ordinance; and
  - (c) The full text of each section that imposes taxes or fees.

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

**Vetoed March 27, 2020. Veto overridden and became law April 14, 2020.**

## CHAPTER 88

( HB 336 )

AN ACT relating to elections.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

- (1) *Each candidate for the office of Governor shall designate a candidate for Lieutenant Governor to serve as his or her running mate in a slate of candidates. After the filing of the certificate or petition of nomination under KRS 118.365, and not later than 4 p.m. on the second Tuesday in August preceding the regular election for the office of Governor, the candidate shall designate his or her running mate by filing with the Secretary of State the name and address of a person qualified under the Constitution of Kentucky to serve as Lieutenant Governor.*
- (2) *A slate of candidates for Governor and Lieutenant Governor shall be elected jointly at a regular election by the casting by each voter of a single vote applicable to both offices. No candidate for Governor or*

*Lieutenant Governor shall appear individually on the ballot at a regular election for the office he or she is seeking.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

- (1) *If a vacancy occurs in a candidacy for the office of Lieutenant Governor because of death, disqualification to hold the office sought, or a severe disabling condition that arose after the slate formed a campaign committee, the candidate for the office of Governor on that slate may designate a replacement for the vacant candidate.*
- (2) *The designation of a replacement shall be on forms filed with the Secretary of State, but only following certification to the candidate for the office of Governor by the Secretary of State that a vacancy exists for a reason specified in subsection (1) of this section.*
- (3) *If a replacement candidate for a vacancy in candidacy for Lieutenant Governor is made for a reason specified in subsection (1) of this section after the ballots are printed for the regular election, notices informing the voters of the change in composition of the slate shall be posted at each precinct polling place.*

➔Section 3. KRS 117.015 is amended to read as follows:

- (1) There shall be a State Board of Elections that is an independent agency of state government, which shall administer the election laws of the state and supervise registration and purgation of voters within the state. The board:
  - (a) May promulgate administrative regulations necessary to properly carry out its duties; and
  - (b) Shall promulgate administrative regulations establishing a procedure for elections officials to follow when an election has been suspended or delayed as described in KRS 39A.100.
- (2) The board shall consist of the following:
  - (a) The Secretary of State, who shall be an ex officio, nonvoting member, and who shall also serve as the chief election official for the Commonwealth;
  - (b) Two (2) members appointed by the Governor as provided in subsection (6) of this section;
  - (c) Six (6) voting members appointed by the Governor as provided in subsection (5) of this section; and
  - (d) An executive director appointed in accordance with KRS 117.025, who may vote only to break a tie regarding selection of the chair of the board.
- (3) A chair of the board, who is a then-current voting member of the board, shall be elected as chair of the board by a majority of the voting members who serve on the board. The chair shall preside at the meetings of the board and vote on matters before the board.
- (4) The members shall serve for a term of four (4) years or until their successors are appointed. Members shall be at least twenty-five (25) years of age and qualified voters of this state. No appointed member shall be a candidate for public office or have been a candidate for public office for two (2) years prior to his or her appointment, except as provided in subsection (2)(b) of this section. No member of the board shall have been convicted of any election law offense.
- (5) Two (2) members shall be appointed by the Governor from a separate list of at least five (5) names submitted by the state central executive committee of each of the two (2) political parties that polled the largest vote in the last preceding election for state officials. The list shall be submitted to the Governor by February 15 of 1992, and the appointments of the Governor shall be made by April 1 of the same year. Two (2) separate lists shall be submitted to the Governor by August 15 of 1990 and every four (4) years thereafter, and two (2) appointments shall be made from these lists by September 15 of each year in which the lists are received.
- (6) Two (2) members shall be appointed by the Governor from a separate list of at least four (4) names submitted by the Kentucky County Clerk's Association of each of the two (2) political parties that polled the largest vote in the last preceding regular election for state officials. Each of the two (2) members appointed under this subsection shall be former county clerks **and shall be voting members**. The lists required under this subsection shall be submitted to the Governor by July 15, 2019, and every four (4) years thereafter. The appointments made by the Governor under this subsection shall be made by August 15, 2019, and every four (4) years thereafter.
- (7) Vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy shall be of the same political party as his or her predecessor.

- (8) The board shall meet as often as necessary to carry out its duties and shall keep a record of its acts, orders, findings, and proceedings. A majority of the board shall constitute a quorum.
- (9) The members of the board shall be paid a reasonable sum to be fixed by the secretary of the Personnel Cabinet, with the approval of the secretary of the Finance and Administration Cabinet, and in addition, their expenses in attending board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chair of the board and approved by the secretary of the Finance and Administration Cabinet.

➔Section 4. KRS 117.275 is amended to read as follows:

- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and be permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the voting equipment so that the voting and counting mechanism will be prevented from operation, and they shall sign a certificate stating:
  - (a) That the voting equipment has been locked against voting and sealed;
  - (b) The number of voters, as shown on the public counters;
  - (c) The number registered on the protective or accumulative counter or device, if any; and
  - (d) The number or other designation of the voting equipment, which certificate shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or accumulative counter or device, if any.
- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
  - (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
  - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
  - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls.
- (7) Following the tabulation of all votes cast in the election, including absentee votes and write-in votes, the county board shall mail a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections and the county clerk shall mail or deliver the precinct

signature rosters from each precinct to the State Board of Elections during the period established by KRS 117.355(3).

- (8) As soon as possible after the completion of the count, the two (2) judges shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the county clerk in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate~~[, slate of candidates,]~~ or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.
- (10) If supplemental paper ballots have been approved, as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting machine is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots and the ballot box.
- (11) The county board of elections, or its designee, shall count and tally the paper ballots manually or with the use of tabulating equipment which does not involve an additional voting system. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the paper ballots.
- (13) Except as otherwise required in this chapter that certain records and papers relating to specified elections be retained for twenty-two (22) months, the county clerk shall retain the voted paper ballots for twenty-two (22) months and the unvoted paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 5. KRS 118.025 is amended to read as follows:

- (1) Except as otherwise provided by law, voting in all *primaries and* elections shall be by secret ballot on voting machines.
- (2) The general laws applying to *primaries*, regular, *and*~~[,]~~ special~~[, and primary]~~ elections shall apply to *primaries, regular, and special* elections conducted with the use of voting machines, and all provisions of the general laws applying to the custody of ballot boxes shall apply, as far as applicable, to the custody of the voting machine.
- (3) *Primaries*~~[Primary elections]~~ for the nomination of candidates~~[or slates of candidates]~~ to be voted for at the next regular election shall be held on the first Tuesday after the third Monday in May of each year.
- (4) The election of all officers of all governmental units shall be held on the first Tuesday after the first Monday in November.
- (5) If the law authorizes the calling of a special election on a day other than the day of the regular election in November, the election shall be held on a Tuesday.
- (6) If the law requires that a special election be held within a period of time during which the voting machines must be locked as required by KRS 117.295, the special election shall be held on the fourth Tuesday following the expiration of the period during which the voting machines are locked.

➔Section 6. KRS 118.125 is amended to read as follows:

- (1) Except as provided in KRS 118.155, any person who is qualified under the provisions of KRS 116.055 to vote in any primary for the candidates for nomination by the party at whose hands he or she seeks the nomination, shall have his or her name printed on the official ballot of his or her party for an office to which he is eligible in that primary, upon filing, with the Secretary of State or county clerk, as appropriate, at the proper time, a notification and declaration.
- (2) The notification and declaration shall be in the form prescribed by the State Board of Elections. It shall be signed by the candidate and by not less than two (2) registered voters of the same party from the district or

jurisdiction from which the candidate seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot.}

- (a) ~~—}The notification and declaration for a candidate[ for an office other than Governor or Lieutenant Governor] shall include the following oath:~~

"For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter in ----- precinct; that I believe in the principles of the ----- Party, and intend to support its principles and policies; that I meet all the statutory and constitutional qualifications for the office which I am seeking; that if nominated as a candidate of such party at the ensuing election I will accept the nomination and not withdraw for reasons other than those stated in KRS 118.105(3); that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if finally elected I will qualify for the office."

The declaration shall be subscribed and sworn to before an officer authorized to administer an oath by the candidate and by the two (2) voters making the declaration and signing the candidate's petition for office.

- ~~{(b) The notification and declaration for a slate of candidates for Governor and Lieutenant Governor shall include the following oath:~~

~~"For the purpose of having our names placed on the official primary election ballot as a slate of candidates for Governor and Lieutenant Governor for nomination by the ----- Party, I, -----, (name of candidate for Governor in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter in ----- precinct; and I, -----, (name of candidate for Lieutenant Governor in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter in ----- precinct; that we believe in the principles of the ----- Party, and intend to support its principles and policies; that we meet all the statutory and constitutional qualifications for the offices which we are seeking; that we will accept the nomination and not withdraw for reasons other than those stated in KRS 118.105(3); that we will not knowingly violate any election law or any law relating to corrupt or fraudulent practice in campaigns or elections in this state, and if finally elected we will qualify for our offices."~~

~~—The declaration shall be subscribed and sworn to before an officer authorized to administer an oath by the candidate and by the two (2) voters making the declaration and signing the petition for office.}~~

- (3) When the notice and declaration has been filed with the Secretary of State or county clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State or county clerk, as appropriate, shall have the candidate's name printed on the ballot according to the provisions of this chapter, except as provided in KRS 118.185.
- (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.

➔Section 7. KRS 118.245 is amended to read as follows:

- (1) The candidate for office~~[, other than the offices of Governor and Lieutenant Governor,]~~ receiving the highest number of votes in a primary~~[election]~~ for the office for which he *or she* is a candidate shall be the nominee of his *or her* party for that office and shall receive the certificate of nomination.
- (2) ~~{The slate of candidates for Governor and Lieutenant Governor receiving the highest number of votes in a primary shall be the nominees of that party for Governor and Lieutenant Governor, and that slate of candidates shall receive the certificate of nomination.~~
- ~~(3) —}If two (2) or more candidates[ or slates of candidates] in a primary[election] are found to have received the highest and an equal number of votes for nomination to 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. This section does not apply to presidential primaries.

➔Section 8. KRS 120.055 is amended to read as follows:

Any candidate~~[or slate of candidates]~~ for nomination to office at a primary~~[election]~~ held under the provisions of KRS 118.015 to 118.035 and 118.105 to 118.255, or any candidate for nomination to a city office at a primary~~[election]~~ for which the statutes do not otherwise provide for determining contest elections, for whom a number of votes was cast equal to not less than fifty percent (50%) of the votes cast for the successful candidate~~[or slate of candidates]~~ for nomination to the office, may contest the right of the successful candidate~~[or slate of candidates]~~, and of any other candidate~~[or slate of candidates]~~ for nomination to the office, to the nomination, by filing a petition in the Circuit Court within ten (10) days from the day of the primary~~[election]~~, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in seven (7) days. In the case of candidates~~[or slates of candidates]~~ for offices for the state at large, the petition shall be filed in the Franklin Circuit Court; in the case of other candidates it shall be filed in the Circuit Court of the county in which the contestee resides. The summons may be personally served on the contestee in any county, or it may be served by leaving a copy at his *or her* home with a member of his *or her* family over sixteen (16) years of age, or by posting a copy on the door of his *or her* residence. The contestee shall file his *or her* answer within seven (7) days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds shall be specifically set out. Any candidate~~[or slate of candidates]~~ who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under KRS 120.095, may, by filing an answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five (5) days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trial of the cause within five (5) days after the issue was joined. In judicial circuits having more than one (1) Circuit Judge, the judge who shall hear the cause shall be determined by lot.

➔Section 9. KRS 120.095 is amended to read as follows:

- (1) Any candidate~~[or slate of candidates]~~ voted for at a primary~~[election]~~ held under KRS 118.015 to 118.035 and 118.105 to 118.255 may request a recount of the ballots by filing a petition with the same court that contest petitions are required to be filed with, within ten (10) days after the day of the primary~~[election]~~, or, if the candidate~~[or slate of candidates]~~ is qualified to bring a contest proceeding under KRS 120.055, by including a request for a recount in his *or her* petition instituting the contest proceedings. Any candidate ~~who[or slate of candidates that]~~ is a contestee in a contest proceeding under KRS 120.055 may request a recount in his *or her* answer filed in the contest proceeding, but in that case the answer shall be filed within five (5) days after the service of process on the petition. When a request for a recount is made, the State Board of Elections or the county board of elections, whichever would issue the certificate of nomination, shall be made a party defendant. The party requesting the recount shall execute a bond with approved surety for the costs of the recount, in an amount to be fixed by the Circuit Judge. Upon the bond being filed, the clerk shall immediately notify the Circuit Judge of the request and the filing of the bond, and the judge shall at once enter an order directing custody of the voting machines, the ballots, boxes, and all papers pertaining to the election to be transferred to the Circuit Court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the state board or county board, whichever would issue the certificate of nomination, to issue a certificate to the party entitled thereto as shown by the recount.
- (2) Any party may appeal from the judgment to the Court of Appeals, in the same manner as provided in KRS 120.075, all of the provisions of which statute shall be applicable.
- (3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall not await the preparation or trial of the contest in the Circuit Court or in the Court of Appeals. The action of the courts shall be final, concluding the parties as to the question of a recount of the ballots, and certificates shall then be issued to the parties entitled thereto.

➔Section 10. KRS 121.015 is amended to read as follows:

As used in this chapter:

- (1) "Registry" means the Kentucky Registry of Election Finance;
- (2) "Election" means any primary, regular, or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed or unopposed in an election. Each primary, regular, or special election shall be considered a separate election;
- (3) "Committee" includes the following:
  - (a) "Campaign committee," which means one (1) or more persons who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election to any state, county, city, or district office, but does not include an entity established solely by a candidate which is managed solely by a candidate and a campaign treasurer and whose name is generic in nature, such as "Friends of (the candidate)," and does not reflect that other persons have structured themselves as a committee, designated officers of the committee, and assigned responsibilities and duties to each officer with the purpose of managing a campaign to support or oppose a candidate in an election;
  - (b) "Caucus campaign committee," which means members of one (1) of the following caucus groups who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election, or a committee:
    1. House Democratic caucus campaign committee;
    2. House Republican caucus campaign committee;
    3. Senate Democratic caucus campaign committee;
    4. Senate Republican caucus campaign committee; or
    5. Subdivisions of the state executive committee of a minor political party, which serve the same function as the above-named committees, as determined by regulations promulgated by the registry;
  - (c) "Political issues committee," which means three (3) or more persons joining together to advocate or oppose a constitutional amendment or public question which appears on the ballot if that committee receives or expends money in excess of one thousand dollars (\$1,000);
  - (d) "Permanent committee," which means a group of individuals, including an association, committee, or organization, other than a campaign committee, political issues committee, inaugural committee, caucus campaign committee, or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose expressly advocating the election or defeat of one (1) or more clearly identified candidates, slates of candidates, or political parties, which functions on a regular basis throughout the year;
  - (e) An executive committee of a political party; and
  - (f) "Inaugural committee," which means one (1) or more persons who receive contributions and make expenditures in support of inauguration activities for any candidate or slate of candidates elected to any state, county, city, or district office;
- (4) "Contributing organization" means a group which merely contributes to candidates, slates of candidates, campaign committees, caucus campaign committees, or executive committees from time to time from funds derived solely from within the group, and which does not solicit or receive funds from sources outside the group itself. However, any contributions made by the groups in excess of one hundred dollars (\$100) shall be reported to the registry;
- (5) "Testimonial affair" means an affair held in honor of a person who holds or who is or was a candidate for nomination or election to a political office in this state designed to raise funds for any purpose not charitable, religious, or educational;
- (6) "Contribution" means any:
  - (a) Payment, distribution, loan, deposit, or gift of money or other thing of value, to a candidate, his or her agent, a slate of candidates, its authorized agent, a committee, or contributing organization. As used in this subsection, "loan" shall include a guarantee, endorsement, or other form of security where the risk of nonpayment rests with the surety, guarantor, or endorser, as well as with a committee, contributing



organization, candidate, slate of candidates, or other primary obligor. No person shall become liable as surety, endorser, or guarantor for any sum in any one (1) election which, when combined with all other contributions the individual makes to a candidate, his or her agent, a slate of candidates, its agent, a committee, or a contributing organization, exceeds the contribution limits provided in KRS 121.150;

- (b) Payment by any person other than the candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or a contributing organization, of compensation for the personal services of another person which are rendered to a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
  - (c) Goods, advertising, or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are furnished to a candidate, slate of candidates, committee, or contributing organization or for inauguration activities without charge, or at a rate which is less than the rate normally charged for the goods or services; or
  - (d) Payment by any person other than a candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or contributing organization for any goods or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are utilized by a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
- (7) Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include:
- (a) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, a slate of candidates, committee, or contributing organization;
  - (b) A loan of money by any financial institution doing business in Kentucky made in accordance with applicable banking laws and regulations and in the ordinary course of business; or
  - (c) An independent expenditure by any individual or permanent committee;
- (8) "Candidate" means any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given his or her consent for any other person to receive contributions or make expenditures with a view to bringing about his or her nomination or election to public office, except federal office;
- (9) "Slate of candidates" means:
- (a) *Between the time a certificate or petition of nomination has been filed for a candidate for the office of Governor under KRS 118.365 and the time the candidate designates a running mate for the office of Lieutenant Governor under Section 1 of this Act, a slate of candidates consists of the candidate for the office of Governor; and*
  - (b) *After that candidate has designated a running mate under Section 1 of this Act, that same slate of candidates consists of that same candidate for the office of Governor and the candidate's running mate for the office of Lieutenant Governor*~~[any two (2) persons who have filed a joint notification and declaration pursuant to KRS 118.127, received contributions or made expenditures, appointed a campaign treasurer, designated a campaign depository, or given their consent for any other person to receive contributions or make expenditures with a view to bringing about their nomination for election to the offices of Governor and Lieutenant Governor].~~

Unless the context requires otherwise, any provision of law that applies to a candidate shall also apply to a slate of candidates;

- (10) "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or should have been aware that his or her conduct is of that nature or that the circumstance exists;
- (11) "Fundraiser" means an individual who directly solicits and secures contributions on behalf of a candidate or slate of candidates for a statewide-elected state office or an office in a jurisdiction with a population in excess of two hundred thousand (200,000) residents;
- (12) "Independent expenditure" means the expenditure of money or other things of value for a communication which expressly advocates the election or defeat of a clearly identified candidate or slate of candidates, and which is made without any coordination, consultation, or cooperation with any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them, and which is not made in

concert with, or at the request or suggestion of any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them;

- (13) "Electronic reporting" means the use of technology, having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, by which an individual or other entity submits, compiles, or transmits campaign finance reports to the registry, or by which the registry receives, stores, analyzes, or discloses the reports;
- (14) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures;
- (15) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;
- (16) "Filer" means any candidate, a slate of candidates, committee, or other individual or entity required to submit financial disclosure reports to the registry; and
- (17) "Filer-side software" means software provided to or used by the filer that enables transmittal of financial reports to the registry.

➔Section 11. KRS 121.170 is amended to read as follows:

- (1) Any committee, except a federally registered out-of-state permanent committee, organized under any provisions of this chapter shall register with the registry, by filing official notice of intention at the time of organization, giving names, addresses, and positions of the officers of the organization, identifying an official contact person of the committee, and designating the candidate or candidates, slate of candidates, or question it is organized to support or oppose on forms prescribed by the registry; except that no campaign committee for a slate of candidates for Governor and Lieutenant Governor shall be registered prior to the filing of a ***certificate or petition of nomination for the candidate for Governor under KRS 118.365***~~joint notification and declaration by the slate of candidates pursuant to KRS 118.125 and 118.127~~. No entity which is excluded from the definition of "campaign committee" established in KRS 121.015(3)(a) shall be required to register as a committee with the registry. The name of the committee shall reasonably identify to the public the sponsorship and purpose of the committee. The forms filed with the registry shall require the registrant to clearly identify the specific purpose, sponsorship, and source from which the committee originates; and the registry shall refuse to allow filing by any committee until this requirement has been satisfied.
- (2) Any person who acts as a fundraiser by directly soliciting contributions for an election campaign of a candidate or slate of candidates for statewide-elected state office or an office in a jurisdiction containing in excess of two hundred thousand (200,000) residents shall register with the registry when he or she raises in excess of three thousand dollars (\$3,000) in any one (1) election for the campaign committee by filing official notice giving his or her name, address, occupation, employer or, if he or she is self-employed, the name under which he or she is doing business, and all candidates or slates of candidates for whom he or she is soliciting on forms prescribed by the registry. A registered fundraiser shall comply with the campaign finance reporting requirements of KRS 121.180(3), (4), and (5).
- (3) All provisions of KRS 121.160 governing the duties and responsibilities of a candidate, slate of candidates, or campaign treasurer shall apply to a registered committee, except a federally registered out-of-state permanent committee, and a person acting as a campaign fundraiser. In case of the death, resignation, or removal of a campaign treasurer for a permanent committee or executive committee, the chairperson of the permanent committee or executive committee shall, within three (3) days after receiving notice of the vacancy by certified mail, appoint a successor as treasurer for the committee and file the name and address of the successor with the registry. The chairperson of the permanent committee or executive committee shall be accountable as the treasurer for the committee if the chairperson fails to meet this filing requirement.
- (4) The chairperson of a committee and the campaign treasurer shall be separate persons.
- (5) Any federally registered out-of-state permanent committee that contributes to a Kentucky candidate or a slate of candidates shall:
  - (a) File with the registry a copy of its federal registration (Federal Election Commission Form 1 - Committee Registration Form);

- (b) File with the registry a copy of the Federal Election Commission finance report when a contribution is made to a Kentucky candidate or a slate of candidates; and
  - (c) Contribute not more than the maximum amount permitted for a permanent committee to make under Kentucky law to any candidate or to any slate of candidates for any office in this Commonwealth.
- (6) Notwithstanding any provision of law to the contrary, a contribution made by a federally registered permanent committee to any candidate or to any slate of candidates for any office in this Commonwealth that complies with the provisions of 2 U.S.C. sec. 441b, 11 C.F.R. sec. 104.10, 11 C.F.R. sec. 106.6, and 11 C.F.R. sec. 114.1-114.12 regarding limitations on contributions by corporations shall be deemed to comply with the campaign finance laws of this Commonwealth prohibiting corporate contributions to candidates or slates of candidates.
- (7) The organization, formation, or registration of a permanent committee by any member of the General Assembly shall be prohibited.
- (8) The official contact person of a permanent committee shall not be a legislative agent as defined in KRS 6.611 or an executive agency lobbyist as defined in KRS 11A.201.

➔Section 12. The following KRS sections are repealed:

118.127 Slate of candidates for Governor and Lieutenant Governor.

118.227 Method for filling vacancy in slate of candidates before primary election.

**Vetoed March 30, 2020. Veto overridden and became law April 14, 2020.**

## CHAPTER 89

### ( SB 2 )

AN ACT relating to voter identification and making an appropriation therefor.

WHEREAS, it is critically important to protect the integrity and reliability of the electoral process in order to ensure that there is proper detection and deterrence of voter fraud and to safeguard the fundamental right to vote; and

WHEREAS, it is a reasonable legislative task to seek improvement and modernization of election procedures, boost public confidence in the electoral process, and maintain our system of governance; and

WHEREAS, the members of this honorable body seek to preserve the Commonwealth's election integrity, honor within the democratic process and the right to vote, minimize the burdensome obligation that comes with any uncertainty in election results, and guarantee that the election results are final and complete;

NOW, THEREFORE,

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (4) of this section, on the day of a primary, an election, or during in-person absentee voting, if a voter is unable to provide proof of identification as required under Section 15 of this Act, and as defined under Section 23 of this Act, a voter may cast a ballot if the individual:*

- (a) *Is eligible to vote under KRS 116.025;*
- (b) *Is entitled to vote in that precinct; and*
- (c) *In the presence of the election officer, executes a voter's affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming:*
  - 1. *The voter is a citizen of the United States;*
  - 2. *The voter's date of birth to the best of the voter's knowledge and belief;*
  - 3. *The voter is qualified to vote in this precinct under KRS 116.025;*

4. *The voter's name, and that the voter is generally known by that name, or the name is as stated on his or her voter registration card;*
  5. *The voter has not voted and will not vote in any other precinct;*
  6. *The voter's current residential address, including the street address number and, if different from the voter's current address, the voter's residential address prior to the close of the registration books under KRS 116.045, and the date the voter moved;*
  7. *The voter understands that making a false statement on the affirmation is punishable under penalties of perjury; and*
  8. *The voter has one (1) of the following impediments to procure proof of identification as defined in Section 23 of this Act:*
    - a. *Lack of transportation;*
    - b. *Inability to obtain his or her birth certificate or other documents needed to show proof of identification;*
    - c. *Work schedule;*
    - d. *Lost or stolen identification;*
    - e. *Disability or illness;*
    - f. *Family responsibilities;*
    - g. *The proof of identification has been applied for, but not yet received; or*
    - h. *The voter has a religious objection to being photographed.*
- (2) *In addition to the requirements of subsection (1) of this section, to cast a ballot, the voter who is unable to provide proof of identification shall provide to an election officer:*
- (a) *The voter's Social Security Card;*
  - (b) *Any identification card issued by a county in this state which has the name of the voter stated and has been approved in writing by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A;*
  - (c) *Any identification card with the voter's photograph and the name of the voter stated;*
  - (d) *Any food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card, that is issued by this state and has the name of the voter stated; or*
  - (e) *A credit or debit card with the name of the voter stated.*
- (3) *After the election officer obtains the affirmation from the voter required by subsection (1) of this section, and after the voter provides the documents under subsection (2) of this section, the voter shall sign the precinct signature roster and shall proceed to cast his or her vote in a ballot completion area.*
- (4) *If the voter is personally known to the election officer, the election officer may execute an election officer affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming the voter's identification as being personally known to him or her. Once the affirmation is executed by the election officer, the voter shall sign the precinct signature roster and shall proceed to cast his or her vote in a ballot completion area. For purposes of this subsection, "personally known" means that the election officer knows the voter's name and that the voter is a resident of the community.*
- (5) *The voter affirmation and the election officer affirmations executed under this section shall be processed in the same manner as an oath of voter affidavit as prescribed by subsections (3) and (4) of Section 17 of this Act.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

*On the day of a primary, an election, or during in-person absentee voting when a federal elective office is on the ballot, if a voter is unable to provide proof of identification, as required under Section 15 of this Act and as defined under Section 23 of this Act, or the voter fails to meet the requirements of Section 1 of this Act, the voter may cast a provisional ballot for the federal elective office of President, Vice President, United States Senator, and*

***United States House of Representative if the individual conforms to the provisional voting requirements in accordance with the Help America Vote Act of 2002.***

➔Section 3. KRS 116.065 is amended to read as follows:

Each application for registration, change of affiliation, transfer of registration, ***federal provisional ballot***, or absentee ballot ***or federal provisional absentee ballot***, as absentee ballots ***and federal provisional absentee ballots*** are provided for by ***KRS 117.077***, KRS 117.085, ***and Section 2 of this Act*** shall be verified by a written declaration by the applicant that it is made under the penalties of perjury.

➔Section 4. KRS 117.066 is amended to read as follows:

- (1) In the case of a precinct comprised of a small number of registered voters, the county board of elections may, pursuant to KRS 117.055, utilize the facilities of another precinct as a voting location. Additionally, the county board of elections may petition the State Board of Elections to allow the precinct election officers of the larger precinct to serve as precinct election officers for the precinct that is the subject of the petition. The petition shall designate both the smaller precinct and the larger precinct with which it is to be included, the type of voting machine or machines to be used, and whether supplemental paper ballots are to be used. The petition shall contain a full explanation of the reasons why inclusion is desirable.
- (2) If the petition submitted pursuant to subsection (1) of this section is approved by the State Board of Elections, the election shall be conducted according to the following provisions:
  - (a) One voting machine may be utilized for both precincts if the State Board of Elections certifies that separate ballots may be placed upon the voting machine to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting machines shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of a separate voting machine would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on election day, the locked ***supplemental paper*** ballot box shall be transported to the county board of elections ***along with the federal provisional ballot receptacle***, and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to ***(14) (13)***;
  - (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to insure that voters cast their ballot in their duly authorized precinct; and
  - (c) A separate set of elections forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.

➔Section 5. KRS 117.085 is amended to read as follows:

- (1) All requests for an application for a mail-in absentee ballot may be transmitted by telephone, facsimile machine, by mail, by electronic mail, or in person. The county clerk shall transmit all applications for a mail-in absentee ballot to the voter by mail, electronic mail, or in person at the option of the voter, except as provided in paragraph (b) of this subsection. ***Except as otherwise provided in KRS 117.077***, the mail-in absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter.
  - (a) ***Except as otherwise provided in KRS 117.077***, a qualified voter may apply to cast his or her vote by mail-in absentee ballot if the completed application is received not later than the close of business hours seven (7) days before the election, and if the voter is:
    1. A resident of Kentucky who is a covered voter as defined in KRS 117A.010;
    2. A student who temporarily resides outside the county of his or her residence;
    3. Incarcerated in jail and charged with a crime, but has not been convicted of the crime;
    4. Changing or has changed his or her place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, in which case the voter shall be permitted to cast a mail-in absentee ballot for electors for President and Vice President of the United States only;
    5. Temporarily residing outside the state but still eligible to vote in this state;

6. Prevented from voting in person at the polls on election day and from casting an in-person absentee ballot in the county clerk's office on all days in-person absentee voting is conducted because his or her employment location requires him or her to be absent from the county of his or her residence all hours and all days in-person absentee voting is conducted in the county clerk's office;
  7. A participant in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312; or
  8. Not able to appear at the polls on election day on the account of age, disability, or illness, and who has not been declared mentally disabled by a court of competent jurisdiction.
- (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for a mail-in absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The federal post-card application may be used to register, reregister, and to apply for a mail-in absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.
- (c) In-person absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least the twelve (12) working days before the election. A county board of elections may permit in-person absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.
- (d) A qualified voter may, at any time during normal business hours on those days in-person absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a 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, if the voter *provides proof of identification as defined in Section 23 of this Act or meets the requirements of Section 1 or 2 of this Act, and the voter:*
1. Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010, who will be absent from the county of his or her residence on any election day;
  2. Is a student who temporarily resides outside the county of his or her residence;
  3. Has surgery, or whose spouse has surgery, scheduled that will require hospitalization on election day;
  4. Temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on any election day;
  5. Is a resident of Kentucky who is a uniformed-service voter as defined in KRS 117A.010 confined to a military base on election day, learns of that confinement within seven (7) days or less of an election, and is not eligible for a mail-in absentee ballot under this subsection;
  6. Is in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote;
  7. Has not been declared mentally disabled by a court of competent jurisdiction and, on account of age, disability, or illness, is not able to appear at the polls on election day; or
  8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a) of this subsection, but who will be absent from the county of his or her residence on election day.
- (e) Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an in-person absentee ballot for President and Vice President only, by making application in person to the county clerk to vote on a 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, up to the close of normal business hours on the day before the election.

- (f) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a 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, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he or she is registered receives his or her appointment while in-person absentee voting is being conducted in the county, the officer may vote on a 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, up to the close of normal business hours on the day before the election. Precinct election officers' verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.
  - (g) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all in-person absentee voting performed on a 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. If the members of the county board of elections or their designees serve as precinct election officers for the in-person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for in-person absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.
  - (h) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in-person absentee voting performed at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.
- (2) The county clerk shall type the name of the voter permitted to vote by mail-in absentee ballot on the mail-in absentee ballot application form for that person's use and no other. The mail-in absentee ballot application form shall be in the form prescribed by the State Board of Elections, ***which shall include the voter affirmation form as prescribed in subsection (1)(c) of Section 1 of this Act***, shall bear the seal of the county clerk, and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on election day, statement of where the voter shall be on election day, statement of compliance with residency requirements for voting in the precinct, ***an instructional statement prescribing the requirements for providing a copy of the voter's proof of identification or voter affirmation when applicable***, and the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot application form shall be verified and signed by the voter, ***and the voter shall provide a copy of his or her proof of identification, as defined in Section 23 of this Act, or the executed voter affirmation as described in subsection (1)(c) of Section 1 of this Act***. A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot application form.
  - (3)
    - (a) If the county clerk finds that the voter is properly registered as stated in his or her mail-in absentee ballot application form and qualifies to receive a mail-in absentee ballot by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting.
    - (b) The county clerk shall complete a postal form for a certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the mail-in absentee ballots are mailed. A mail-in absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.
  - (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in absentee ballots shall be mailed or otherwise transmitted as provided in subsection (3) of this section by the county clerk to the voter within three (3) days of the receipt of the printed ballots. Mail-in absentee ballots requested after the receipt of

the ballots by the county clerk shall be mailed or otherwise transmitted as provided in subsection (3) of this section to the voter within three (3) days of the receipt of the request.

- (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election.
- (6) The outer envelope shall bear the words "Absentee Ballot" and the address and official title of the county clerk and shall provide space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the ~~secrecy[inner]~~ envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the ~~secrecy[inner]~~ envelope immediately below the blank space for the voter's signature. The ~~secrecy[inner]~~ envelope shall be blank. The county clerk shall retain the ~~voter's~~ mail-in ballot application form, **which shall include the photographed copy of the voter's proof of identification or the voter affirmation as prescribed by subsection (1)(c) of Section 1 of this Act**, and the postal form required by subsection (3) of this section for twenty-two (22) months after the **primary or** election.
- (7) Any person who has received a mail-in absentee ballot by mail but who knows at least seven (7) days before the date of the election that he or she will be in his or her county of residence on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office no later than seven (7) days prior to the date of the election. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, and the voter may vote in the precinct in which he or she is properly registered.
- (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in absentee ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall keep a record of the mail-in absentee ballots issued and returned by mail, ~~and~~ the in-person absentee voting **and federal in-person provisional absentee voting** that is performed 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, to verify that only the first voted ballot to be returned by the voter is counted. Upon the return of any **mail-in absentee** ballot after the first **mail-in absentee** ballot is returned, the county clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."
- (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in absentee ballot but who knows that he or she will be in the county on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office on or before election day. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. If the covered voter is unable to return the mail-in absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, provide the voter with written authorization to vote at the precinct, and the voter may vote in the precinct in which he or she is properly registered.
- (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, the information contained in an application for a mail-in absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for mail-in absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for a mail-in absentee ballot.

➔Section 6. KRS 117.0851 is amended to read as follows:



Absentee **ballots and federal provisional absentee** ballots cast, as **absentee ballots and federal provisional absentee ballots are** provided by KRS 117.077, ~~KRS and~~ 117.085, **and Section 2 of this Act** shall all be tabulated in the same manner, as shall be provided by this chapter.

➔Section 7. KRS 117.086 is amended to read as follows:

- (1) (a) The voter returning his **or her** absentee ballot by mail shall mark his **or her** ballot, seal it in the ~~secrecy~~~~inner~~ envelope, and then ~~seal~~~~in~~ the outer envelope, and mail it to the county clerk as ~~shall be~~ provided ~~in~~~~by~~ this chapter.
- (b) The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. 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 as 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. A resident of Kentucky who is a covered voter as defined in KRS 117A.010 who has received an absentee ballot transmitted by facsimile machine or by means of the electronic transmission system established under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the **State Board of Elections**~~state board~~ by administrative regulation **under KRS Chapter 13A**. In order to be counted, the ballots shall be received by the **county** clerk by at least the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.
- (2) Any voter who shall be absent from the county on election day, but who does not qualify to receive **a mail-in**~~an~~ absentee ballot~~by mail~~ under the provisions of KRS 117.085, and all voters qualified to vote prior to the election under the provisions of KRS 117.085, shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections, prior to the day of election. The **county** clerk may provide for such voting by the voting equipment in general use in the county either at the precinct, the equipment as may be used to tabulate absentee ballots, or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:
  - (a) Any voter qualifying to vote in the **county** clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, who receives assistance to vote shall complete the voter assistance form required by KRS 117.255;~~;~~
  - (b) Any voter qualifying to vote in the **county** clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, whose qualifications are challenged **on grounds other than inability to provide proof of identification** by any clerk or deputy shall complete an "Oath of Voter" affidavit; **and**
  - (c) **Any voter qualifying to vote in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, who is unable to provide proof of identification as defined in Section 23 of this Act, may cast an in-person absentee ballot or federal provisional in-person absentee ballot in accordance with Section 1 or 2 of this Act.**
- (3) When the **county** clerk uses general voting equipment as provided for in subsection (2) of this section, each voter casting his vote at the **county** clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, shall sign an "Absentee Ballot Signature Roster."
- (4) The **county** clerk shall designate a location within his **or her** office where the ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than his **or her** main office in which the voters may execute their ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county ~~chairs~~~~chairmen~~ of the two (2) political parties whose candidates polled the largest number of votes in the county at the last ~~regular~~~~general~~ election.
- (5) The State Board of Elections shall promulgate administrative regulations **under KRS Chapter 13A** to provide for casting ballots **in accordance with**~~as provided in~~ subsection (2) of this section.
- (6) The **county** clerk shall deposit all of the **mail-in** absentee ballots~~returned by mail~~ in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted. All voting equipment on which ballots are cast as permitted in subsection (2) of this

section shall also remain locked and the keys shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.

- (7) The **county** clerk shall keep **separate lists**~~a list~~ for each election of all persons who:
- (a) Return their absentee ballots by mail;~~or who~~
  - (b) Cast their ballots in the **county** clerk's office or other place designated by the county board of elections and approved by the State Board of Elections; **and**
  - (c) **Cast their federal provisional in-person absentee ballots under subsection (2)(c) of this section.**

**The county clerk**~~, and~~ shall send a copy of each list to the **State Board of Elections**~~state board~~ after **any primary or**~~the~~ election day~~for which the list applies~~. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their absentee ballots by mail or **who** cast their ballots in the clerk's office or other designated and approved place shall not be made public until after the close of business hours on the **primary or** election day for which the list applies. The county clerk and the Secretary of State shall keep a record of the number of votes cast by **each method listed in paragraphs (a) to (c) of this subsection**~~absentee ballots returned by mail and 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~~, which are cast in any **primary or** election as a part of the official returns of the **primary or** election.

- (8) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or **regular**~~general~~ election as to the number of rejected absentee ballots, **including rejected mail-in absentee ballots and ballots cast under subsection (2) of this section**, and the reasons for **rejecting**~~the rejected absentee~~ ballots on a form prescribed **and furnished** by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 8. KRS 117.0863 is amended to read as follows:

- (1) Except for those voters who have been certified as requiring assistance in voting on a permanent or annual basis, any person voting by means of **a**~~an~~ **mail-in** absentee ballot~~by mail~~ or 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, as provided in this chapter who receives assistance in voting shall be required to complete the voter assistance form required by KRS 117.255.
- (2) Any person who assists another person in voting by use of an **mail-in** absentee ballot~~by mail~~ or on a 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, shall complete the voter assistance form required by KRS 117.255.
- (3) The detachable flap on all **mail-in** absentee ballot envelopes shall have printed upon it the voter assistance form required by KRS 117.255, as well as a notice of the penalty for failure to complete the form.
- (4) The State Board of Elections shall promulgate **by administrative regulations under KRS Chapter 13A** a voter assistance form which shall be in a form acceptable to the Attorney General.

➔Section 9. KRS 117.0865 is amended to read as follows:

Any person who aids another in completing an absentee ballot **or a federal provisional absentee ballot** shall not solicit or encourage that person to vote for or against any candidate, party, or issue. Any person who violates this section shall be guilty of a Class D felony.

➔Section 10. 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 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. **Federal provisional in-person absentee ballots shall be processed in accordance with Section 2 of this Act.** 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 a.m. on election day, the board shall meet at the **county** 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 **mail-in** absentee ballots shall be rejected automatically. The **chair**~~{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 **chair**~~{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 **chair**~~{chairman}~~ shall remove the detachable flap and place the **secrecy**~~{inner}~~ envelope unopened in a ballot box which has been provided for the purpose.

- (4) When the name of a voter who cast **a mail-in absentee ballot**~~{an absentee ballot by mail}~~ is read aloud by the **chair**~~{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 **each** 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 **secrecy**~~{inner}~~ envelope shall not be opened, but returned to the outer envelope upon which the **chair**~~{chairman}~~ shall write on the envelope the word "rejected."
- (5) After the challenges have been made and all the blank **secrecy**~~{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 **secrecy**~~{inner}~~ envelopes, and count the ballots.
- (6) The board shall unlock any voting equipment used to cast ballots in the **county** 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.

➔Section 11. KRS 117.145 is amended to read as follows:

- (1) At least fifteen (15) days before any special election, and at least fifty (50) days before any primary or regular election, the county clerk of each county shall cause to be printed and ready for use ballot labels for each candidate who, and each question which, is entitled to be voted upon in such election. The ballot labels shall be printed on clear white paper or other material which shall be furnished by the printer. They shall be printed in black ink, in plain, clear type clearly legible to a person with normal vision, and shall be of a size to fit the ballot frames. The labels shall include the necessary party designations.
- (2) Each county clerk shall have printed a sufficient number of paper absentee ballots, **voter affirmations, and election official affirmations**. The **voter affirmation, if applicable, and the** absentee ballot shall be used for voting by absent voters; by precinct officers who have been assigned to a precinct other than their own; by members of a county board of elections; by voters so disabled by age, infirmity, or illness as to be unable to appear at the polls; and for voting in an emergency situation. The ballot stubs shall be consecutively numbered and the county board shall keep a record, by number, of all absentee ballots used for any of the purposes listed **in this subsection**~~{herein}~~.
- (3) **Each county clerk shall have printed a sufficient number of federal provisional ballots, which, except for the candidates listed, shall have the same form as the absentee ballots. A federal provisional ballot shall indicate that the ballot is a federal provisional ballot. The federal provisional ballot stubs shall be consecutively numbered, and the county board of elections shall keep a record, by number, of all federal provisional ballots used for votes cast by provisional voters in federal elections.**

~~(4)(3)~~ No later than the Friday preceding a special or regular election, the county clerk shall equip the voting machines with the necessary supplies for the purpose of write-in votes. The county clerk shall also attach a pencil or pen to the voting machine for write-in purposes.

~~(5)(4)~~ If supplemental paper ballots have been approved as provided in KRS 118.215, the county clerk shall cause to be printed a sufficient number of paper ballots for the registered voters of each precinct. The paper ballots shall have stubs which are numbered consecutively. The quality of paper on which the supplemental paper ballots are printed shall be determined by *administrative* regulations promulgated *under KRS Chapter 13A* by the secretary of the Finance and Administration Cabinet.

➔Section 12. KRS 117.175 is amended to read as follows:

The county clerk shall, with the county attorney, prepare a sufficient number of instruction cards containing a diagram showing the front of the voting machine as it will appear on the day of the election, instructions as to the proper method of voting by the use of the machine, and instructions as to the proper method of casting a write-in vote. *For federal provisional ballots and* ~~if~~ supplemental paper ballots, ~~if have been~~ approved ~~as provided in~~ KRS 118.215, the instruction cards shall indicate the offices, candidates, and questions which will appear on the *supplemental* paper ballots, *the offices that will appear on the federal provisional ballot*, ~~and~~ the instructions for marking and depositing the *supplemental paper* ballots, *instructions for filling out the federal provisional ballot, and instructions on how to properly execute the voter affirmations*. The cards shall be examined and approved by the county board of elections at the time the machines are examined and approved. The cards shall be delivered to each election clerk by the county clerk at the time that other election supplies are delivered and the election clerk shall post the card at the polling place.

➔Section 13. KRS 117.187 is amended to read as follows:

- (1) The State Board of Elections shall regularly provide special training regarding the election laws and methods of enforcement to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.
- (2) The county board of elections shall provide special training before each primary and regular election, and any special election held during a year in which no elections are scheduled, to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:
  - (a) Operation of the voting machine or ballot cards;
  - (b) Posting of necessary signs and notices at the polling place;
  - (c) Voter assistance;
  - (d) Maintaining precinct rosters;
  - (e) Confirmation of a voter's identity;
  - (f) Challenge of a voter;
  - (g) Completing changes of address or name at the polling place;
  - (h) Qualifications for voting in a primary ~~election~~;
  - (i) Electioneering and exit polling;
  - (j) Write-in voting procedures;
  - (k) Persons who may be in the voting room;
  - (l) Election violations and penalties;
  - (m) Assistance which may be provided by law enforcement officers;
  - (n) Election reports;
  - (o) Disability awareness;
  - (p) Provisional voting *and provisional absentee voting* ~~process~~;

- (q) Election emergency contingency plan;~~{and}~~
  - (r) Elections and voting equipment security plan; **and**
  - (s) ***Proof of identification.***
- (3) The county attorney shall attend the training session for election officers to assist in explaining the duties and penalties for failure to perform.
  - (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of actual expenses shall be paid by the county to the election officers for attending the training session.

➔Section 14. KRS 117.195 is amended to read as follows:

- (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver each machine, with the operating device and mechanism and the device covering the registering counters securely locked, to the clerk of the precinct in which it is to be used, and shall take a receipt indicating the distinguishing number of the machine. The clerk of the precinct shall cause the machine to be arranged in the voting place so that the front of the machine, on which appear the ballot labels and the operating devices, will not be visible, when being operated, to any person other than the voter.
- (2) In polling places in which machines for multiple precincts are located, the county clerk shall post a sign near each machine identifying the precinct for which the machine has been designated.
- (3) ***For federal provisional ballots, and***~~{if}~~ supplemental paper ballots ~~*if have been*~~ approved as provided in KRS 118.215, the county clerk shall, at least one (1) hour prior to the opening of the polls, deliver:
  - (a) A sufficient number of ballots, ***and supplemental paper ballots if approved,*** for the registered voters of each precinct;~~{;}~~
  - (b) A sufficient number of voting booths for voting ***federal provisional ballots, and supplemental*** paper ballots~~{;}~~ ***if approved;***
  - (c) ***A sufficient amount of*** string ~~*and*~~~~{;}~~ rubber stamps for marking "Spoiled" and "Unused" ballots;~~{and}~~
  - (d) A locked ballot box ***or receptacle*** for ***federal provisional ballots, and a separate locked ballot box for supplemental paper ballots if approved,*** for each precinct; **and**
  - (e) ***A sufficient number of federal provisional voter ballots, voter affirmations, and election official affirmations.***

The county clerk shall take a receipt for the number of ***federal provisional*** ballots, ***and supplemental paper ballots if approved,*** issued and the ballot ~~*boxes*~~~~{box}~~ ***or ballot receptacles*** for each precinct. The county clerk shall retain the keys to all ballot boxes ***and ballot receptacles.***

➔Section 15. KRS 117.225 is amended to read as follows:

- (1) Any person desiring to vote on election day shall give his ***or her*** name and address to the clerk of the election ***and shall provide proof of identification as defined in Section 23 of this Act.***
- (2) ***A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification, as defined in Section 23 of this Act, before voting in a primary or an election.***
- (3) If the ~~*voter's*~~~~{person's}~~ name is listed on the precinct list furnished by the State Board of Elections as provided in KRS 117.025, ***the voter provides proof of identification, the voter is exempt pursuant to subsection (3) of this section, or the voter otherwise satisfies the requirements of Section 1 of this Act,*** and if no challenge is made, ***then*** he ***or she*** shall sign his ***or her*** name on the precinct list in the space opposite his ***or her*** printed name. The voter's signature shall constitute ~~*the voter's*~~~~{his}~~ verification that ~~*the voter*~~~~{he}~~ is a properly registered and qualified voter. The voter shall then retire alone to cast his ***or her*** vote on the voting machine. The county board of elections may provide to each precinct the original registration form of each voter entitled to vote in that precinct. These forms shall be used to compare signatures in those precincts to which the forms are provided.
- ~~(4)~~~~{(2)}~~ If supplemental paper ballots are used, as provided in KRS 118.215, after voting on the voting machine the voter shall take the supplemental paper ballot with the stub intact and retire alone to the voting booth provided for voting paper ballots. After voting the supplemental paper ballot, the voter shall remove the

numbered stub, hand the stub to an election ~~officer~~<sup>official</sup> and deposit the voted ballot in the locked **supplemental paper** ballot box **in the presence of a precinct election officer**.

➔Section 16. KRS 117.227 is amended to read as follows:

***Except as otherwise provided***, election officers shall confirm the identity of each voter by ***proof of identification as defined in Section 23 of this Act***~~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 ***proof of identification***.

➔Section 17. KRS 117.245 is amended to read as follows:

- (1) The fact that a person is registered constitutes only prima facie evidence of his ***or her*** right to vote and does not prevent the officers of any election from refusing to allow him ***or her*** to vote for cause.
- (2) When the officers of an election disagree as to the qualifications of a voter or if his ***or her*** right to vote is disputed by a challenger, ***other than for failure to provide proof of identification as defined in Section 23 of this Act***, the voter shall sign a written oath as to his ***or her*** qualifications before he ***or she*** is permitted to vote. The oath shall be in such form ***prescribed and furnished***~~as prescribed~~ by the State Board of Elections ***pursuant to administrative regulations promulgated under KRS Chapter 13A***~~and~~ Twenty (20) printed copies ***of these oaths*** shall be included in the election supplies of each precinct.
- (3) The subscribed oaths shall be returned to the county clerk who shall deliver them to the Commonwealth's attorney.
- (4) The Commonwealth's attorney and county attorney shall investigate each of the oaths and cause to be summoned before the grand jury the witnesses they or either of them, deem proper, and the grand jury shall make a thorough investigation of all votes so cast, and return indictments against all persons illegally voting. The foreman of the grand jury shall return to the county clerk all of the oaths upon which no indictments are found. The ***county*** clerk shall safely keep them as a part of the records of his ***or her*** office, and shall produce any or all of them, when required, to any subsequent grand jury.

➔Section 18. KRS 117.255 is amended to read as follows:

- (1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the machine, if the voter so requests.
- (2) Except for those voters who have been certified as requiring assistance on a permanent basis, no voter shall be permitted to receive any assistance in voting at the polls unless ***the voter***~~he~~ makes and signs an oath that, because of blindness, other physical disability, or an inability to read English, ***the voter***~~he~~ is unable to vote without assistance. The oath shall be upon a voter assistance form prescribed ***and furnished*** by the State Board of Elections ***pursuant to administrative regulations promulgated under KRS Chapter 13A***. Any person assisting a voter shall complete the voter assistance form.
- (3) Upon making and filing the oath with the precinct clerk, the voter requiring assistance shall retire to the voting machine or ballot completion area with the precinct judges, and one (1) of the judges shall, in the presence of the other judge and the voter, operate the machine or complete the ballot as the voter directs. A voter requiring assistance in voting may, if ***the voter***~~he~~ prefers, be assisted by a person of ***the voter's***~~his~~ own choice who is not an election officer, except that the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union shall not assist a voter.
- (4) The precinct election clerk shall swear a person assisting a voter in voting to operate the voting machine or complete the ballot in accordance with the directions of the voter, and the person sworn shall enter the voting booth or ballot completion area and operate the machine or complete the ballot for the voter as the voter directs.
- (5) A voter who requires voting assistance on a permanent basis because of blindness or other physical disability may apply to the county board of elections for certification. Application may be made when registering to vote or completing the voter assistance form by indicating that the reason for obtaining assistance is permanent. The county board of elections shall determine whether the applicant requires assistance on a permanent basis. The county board of elections shall notify the county clerk of persons certified as requiring permanent voting assistance and the county clerk shall enter the certification on the voter's registration record. The State Board

of Elections shall indicate on the precinct roster of voters those voters who are certified to receive assistance permanently without signing the voter assistance form at the precinct.

- (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his *or her* vote or completes his *or her* ballot which is designed to insure the secrecy of the vote. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his *or her* oath the specific reason that requires him *or her* to receive assistance.
- (7) No voter shall be permitted to occupy the voting machine more than two (2) minutes if other voters are waiting to use it, except that those voters who because of a disability need extra time to cast a ballot shall be given a reasonable amount of time to vote.
- (8) In ~~primaries~~~~[primary elections]~~, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.
- (9) If the machine is so constructed as to require adjustment after one (1) person has voted before another person may vote, the judges of election shall adjust it after each person has voted.
- (10) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.
- (11) *For voters voting as federal provisional voters, or* if supplemental paper ballots have been approved~~[,]~~ as provided in KRS 118.215, the voter shall vote his *or her federal provisional or supplemental* ballot in privacy in a *voting* booth provided for that purpose by the county clerk. If the voter spoils his *or her* ballot, ~~the voter~~~~he~~ shall return the spoiled paper ballot to an election ~~officer~~~~[official]~~ who shall stamp the ballot "Spoiled," initial and place the spoiled ballot in an envelope provided for that purpose. The voter shall be issued a second *federal provisional or* supplemental paper ballot. Upon completion of voting, the voter shall remove the numbered stub from the ballot, hand the stub to an election ~~officer~~~~[official]~~ and deposit the voted ballot in the *appropriate* locked ballot box *or locked receptacle* in the presence of ~~an~~~~[precinct]~~ election ~~officer~~~~[officials]~~.
- (12) The election sheriff shall be responsible for reporting violations of this section.

➔Section 19. KRS 117.265 is amended to read as follows:

- (1) A voter may, at any regular or special election, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot label for any office, by writing the name of his or her choice upon the appropriate device for the office being voted on provided on the voting machine as required by KRS 117.125. Any candidate for city, county, urban-county, consolidated local government, charter county government, or unified local government office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election. Any voter utilizing *a federal provisional ballot, a federal provisional in-person absentee ballot, or a*~~an~~ *mail-in* absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his or her choice under the office.
- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, on or before the fourth Friday in October preceding the date of the regular election and not later than the second Friday before the date of a special election. In the case of a special election administered under KRS 118.730, a declaration of intent to be a write-in candidate shall be filed at least twenty-eight (28) days before the day of the election. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed *and furnished* by the Secretary of State.
- (3) A person shall not be eligible as a write-in candidate:
  - (a) For more than one (1) office in a regular or special election; or
  - (b) If his or her name appears upon the ballot label for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
    1. Death;

2. Disqualification to hold the office sought;
  3. Severe disabling condition which arose after the nomination; or
  4. The nomination of an unopposed candidate.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State on or before the fourth Friday in October preceding the date of the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. Write-in votes cast for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.
- (5) The county clerk shall provide to the precinct election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.

➔Section 20. KRS 117.275 is amended to read as follows:

- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and be permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the voting equipment so that the voting and counting mechanism will be prevented from operation, and they shall sign a certificate stating:
  - (a) That the voting equipment has been locked against voting and sealed;
  - (b) The number of voters, as shown on the public counters;
  - (c) The number registered on the protective or accumulative counter or device, if any; and
  - (d) The number or other designation of the voting equipment, which certificate shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or accumulative counter or device, if any.
- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
  - (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
  - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
  - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to



each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls.

- (7) Following the tabulation of all votes cast in the election, including absentee votes and write-in votes, the county board shall mail a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections and the county clerk shall mail or deliver the precinct signature rosters from each precinct to the State Board of Elections during the period established by KRS 117.355(3).
- (8) As soon as possible after the completion of the count, the two (2) judges shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the county clerk in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate, slate of candidates, or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.
- (10) ***For all federal provisional ballots, if applicable, and***~~if~~ supplemental paper ballots ~~if have been~~ approved~~ed~~, as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked ***federal provisional ballot receptacle and the supplemental paper*** ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting machine is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot ~~boxes~~~~box~~ ***or ballot receptacle***.
- (11) The county board of elections, or its designee, shall count and tally the ***supplemental*** paper ballots manually or with the use of tabulating equipment which does not involve an additional voting system. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) ***The county board of elections shall tabulate the valid federal provisional ballots. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State. The county board shall mail a copy of the precinct-by-precinct summary of the valid federal provisional ballot tabulation sheets showing the results from each precinct to the State Board of Elections.***
- ~~(13)~~~~(12)~~ The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the ***supplemental and federal provisional*** paper ballots.
- ~~(14)~~~~(13)~~ Except as otherwise required in this chapter that certain records and papers relating to specified elections be retained for twenty-two (22) months, the county clerk shall retain the voted ***federal provisional ballots, voter affirmations, election official affirmations, and the supplemental*** paper ballots for twenty-two (22) months and the unvoted ***federal provisional ballots, the voter affirmations, election official affirmations, and the supplemental*** paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 21. KRS 117.305 is amended to read as follows:

- (1) The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or regular election, or before 4 p.m. on the day following a special election held for the purpose of filling a vacancy, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct or number of precincts, or a candidate makes a written request to the county board of elections in the case of a candidate who has filed with the county clerk, or the Secretary of State in the case of a candidate who has filed with the Secretary of State, to check and recanvass the voting machines, ***valid federal provisional ballots, valid federal provisional***

**absentee ballots**, and absentee ballots of any precinct or any number of precincts involving his *or her* race. After this time period has elapsed and notice is taken, the county ~~election~~ board **of elections** shall assemble at 9 a.m. on the Thursday following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election. In making the recanvass, the board shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly. The county board of elections shall, immediately upon receipt of a request for a recanvass, notify each candidate for the office of the time and place of the recanvass. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.

- (2) The State Board of Elections shall prescribe *and furnish* forms to be used by county boards of election to report all recanvassed votes. The form shall include the following information:
  - (a) The name of the county in which the recanvass was conducted;
  - (b) The date of the report;
  - (c) The date of the election;
  - (d) The office for which the recanvass was conducted;
  - (e) The names of each candidate for the office being recanvassed; and
  - (f) The machine votes, absentee votes, **valid federal provisional votes, valid federal provisional absentee votes**, and vote totals for each candidate, as well as write-in votes cast in a regular or special election for candidates whose names did not appear on the ballot.

The report shall be signed by each member of the county board of elections.

- (3) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in conformity with KRS Chapter 13A.
- (4) The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

➔Section 22. KRS 117.365 is amended to read as follows:

Upon the first day a grand jury convenes after a primary, **regular**~~general~~ election, or special election, the county clerk shall present to the grand jury all voter assistance forms, **all voter and election official affirmations**, and all applications for absentee ballots which shall have been completed in the immediately preceding primary, **regular**~~general~~ election, or special election. The county clerk may photocopy applications for absentee ballots, **voter and election official affirmations**, and voter assistance forms, certify them as true copies of the originals, and present the grand jury with those certified copies instead of the originals. The county clerk shall retain all applications for absentee ballots, **voter and election official affirmations**, and one (1) copy of each voter assistance form as part of the records of the office and shall produce certified copies of any or all of them, when required, to any subsequent grand jury.

➔Section 23. KRS 117.375 is amended to read as follows:

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

- (1) "Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment.
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results.

- (3) "Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his *or her* votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.
- (4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device.
- (5) "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines.
- (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, *a federal provisional ballot, a federal provisional absentee ballot*, or a supplemental paper ballot which has been authorized for the use of voters in any primary *or regular* ~~[, general]~~ or special election by the Secretary of State or the county clerk.
- (7) "Voting punch device" means an apparatus in which ballots or ballot cards are inserted for the piercing of ballots by the voter. The hole may be in the form of a round dot, rectangle, square, or any other shape that will clearly indicate the intent of the voter.
- (8) "Vote marking device" means any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.
- (9) "Secrecy envelope" means the envelope handed to the voter with his *or her* ballot into which the voter shall place his *or her* voted ballot cards.
- (10) "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots.
- (11) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his votes in an election.
- (12) *"Proof of identification" means a document that was issued by:*
  - (a) *The United States or the Commonwealth of Kentucky, and the document contains:*
    - 1. *The name of the individual to whom the document was issued; and*
    - 2. *A photograph of the individual to whom the document was issued;*
  - (b) *The United States Department of Defense, a branch of the uniformed services, the Merchant Marines, or the Kentucky National Guard, and if the document contains:*
    - 1. *The name of the individual to whom the document was issued; and*
    - 2. *A photograph of the individual to whom the document was issued;*
  - (c) *A public or private college, university, or postgraduate technical or professional school located within the United States, and contains:*
    - 1. *The name of the individual to whom the document was issued; and*
    - 2. *A photograph of the individual to whom the document was issued; or*
  - (d) *Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:*
    - 1. *The name of the individual to whom the document was issued; and*
    - 2. *A photograph of the individual to whom the document was issued.*
- (13) *"Federal provisional voter" means a person:*
  - (a) *Who is registered to vote;*
  - (b) *Whose name appears on the precinct roster;*
  - (c) *Who has not provided proof of identification to the precinct election officer before voting in a federal election; and*

(d) *Who elects to proceed with voting a federal provisional ballot under Section 2 of this Act.*

- (14) *"Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election.*

➔Section 24. KRS 117.383 is amended to read as follows:

The State Board of Elections shall prescribe rules and *promulgate administrative* regulations *under KRS Chapter 13A* which shall include but not be limited to the following:

- (1) Achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting;
- (2) Count, tabulate, and record votes;
- (3) Establish a method for placing items on the electronic voting device, which shall, as closely as possible, follow the requirements pertaining to ballot labels;
- (4) Design the ballot cards *and federal provisional ballot cards*, including a numerical system to *ensure*~~[insure]~~ an accurate record of all voting activities;
- (5) Instruct voters in the use of the voting device;
- (6) Provide for checking the accuracy of the equipment;
- (7) Provide necessary supplies, including those necessary for a write-in vote and secrecy envelopes for punch cards or data processing cards to insure voter privacy;
- (8) As part of the official canvass, provide for a manual recount of randomly selected precincts representing three percent (3%) to five percent (5%) of the total ballots cast in each election;
- (9) Provide a method for maintaining sufficient documents and records so that votes can be recounted. Such documents and records shall include any material other than a ballot card which is imprinted with the names of candidates and issues voted upon. Records shall be maintained in such a manner that a specific piece of printed material listing issues and candidates can be matched with the specific ballot cards which were marked in reliance upon such printed material. Except as otherwise required in this chapter that certain records and papers relating to specified elections be retained for twenty-two (22) months, such documents and records shall be maintained for thirty (30) days following an election; *and*
- (10) *Unless contrary to the Help America Vote Act of 2002, ensure that all federal provisional voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.*

➔Section 25. KRS 117.385 is amended to read as follows:

- (1) A voter who spoils or defaces a ballot card or marks it erroneously shall return the card to ~~an~~~~the~~ election ~~officer~~~~officials~~. The election ~~officer~~~~officials~~ shall deliver to the voter another ballot card, but no voter may receive more than three (3) ballot cards including the one originally delivered to the voter. Upon return of a defective ballot card, an election ~~officer~~~~official~~ shall cancel it by writing in ink on the back the word "spoiled." The canceled ballot card shall be placed with spoiled ballots to be returned with the election returns.
- (2)
  - (a) After marking the ballot card, the voter shall place it inside the secrecy envelope and return it to an election ~~officer~~~~official~~, who shall deposit the ballot in the *appropriate* ballot box.
  - (b) When precinct ballot counters are used, the voter, *unless voting a federal provisional ballot*, may either:
    1. Insert his *or her* ballot contained in the secrecy envelope provided and deposit the emptied ballot container envelope with the election ~~officer~~~~official~~ presiding over the ballot counter; or
    2. Deposit the ballot in the ballot box;

for processing by *a* precinct election ~~officer~~~~officials~~ after the polls close.

➔Section 26. KRS 117.995 is amended to read as follows:

- (1) Any person appointed to serve as an election officer but who shall knowingly and willfully fail to serve and who is not excused by the county board of elections for the reasons specified in this chapter shall be guilty of a violation and shall be ineligible to serve as an election officer for a period of five (5) years.

- (2) Any county clerk or member of the county board of elections who knowingly and willfully violates any of the provisions of this chapter, including furnishing applications for absentee ballots **and federal provisional absentee ballots** to persons other than those specified by the provisions of this chapter and failure to type the name of the voter on the application form as required by the provisions of this chapter, shall be guilty of a Class D felony.
- (3) Any officer who willfully fails to prepare or furnish ballot labels, **federal provisional ballots, federal provisional absentee ballots**, or absentee ballots or fails to allow a qualified voter to cast his or her vote on the machine as required of the voter by this chapter shall be guilty of a Class A misdemeanor.
- (4) Any election officer who knowingly and willfully violates any of the provisions of this chapter, including failure to enforce the prohibition against electioneering established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.
- (5) Any person who signs a name other than his or her own on an application for an absentee ballot, ~~or on~~ the verification form for the ballot, ~~or on~~ an emergency absentee ballot affidavit, **a voter or election official affirmation**, or any person who votes an absentee ballot other than the one issued in his or her name, or any person who applies for the ballot for the use of anyone other than himself or herself or the person designated by the provisions of this chapter, or any person who makes a false statement on an application for an absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a Class D felony.
- (6) Any person who violates any provision of KRS 117.235 or 117.236 related to prohibited activities during absentee voting or on election day, after he or she has been duly notified of the provisions by any precinct election officer, county clerk, deputy county clerk, or other law enforcement official, shall, for each offense, be guilty of a Class A misdemeanor.
- (7) Any person who knowingly and willfully prepares or assists in the preparation of an inaccurate or incomplete voter assistance form or fails to complete a voter assistance form when required shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense; however, if a voter has been permanently certified as requiring voting assistance, there shall be no offense for the failure of the voter to complete the form.
- (8) The members of a county board of elections ~~who fail that fails~~ to provide the training to precinct election officers required by KRS 117.187(2) shall be subject to removal by the State Board of Elections.
- (9) Any local or state election official, including the Secretary of State, employees of the Secretary, and members of the State Board of Elections and their staff, who knowingly and willfully uses the voter registration roster in violation of KRS 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

➔Section 27. KRS 118.015 is amended to read as follows:

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

- (1) A "political party" is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;
- (2) The word "election" used in reference to a state, district, county, or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;
- (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, **a federal provisional ballot, a federal provisional absentee ballot**, or a supplemental paper ballot which has been authorized for the use of the voters in any primary **or regular** ~~general~~, or special election by the Secretary of State or the county clerk;
- (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;
- (6) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his **or her** votes in an election;
- (7) The word "resident" used in reference to a candidate in a state, district, county, or city election shall mean actual resident, without regard to the residence of the spouse of the candidate;

- (8) "Political organization" means a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors; and
- (9) "Political group" means a political group not constituting a political party or a political organization within the meaning of subsections (1) and (8) of this section.

➔Section 28. KRS 118.305 is amended to read as follows:

- (1) Except as provided in KRS 118.345, and subject to the provisions of subsections (2), (3), and (4) of this section, the county clerk of each county shall cause to be printed for the voting machines and on the absentee ballots for the regular election the names of the following persons:
  - (a) Candidates of a political party, as defined in KRS 118.015, who have received certificates of nomination at the preceding primary, or certificates of nomination under KRS 118.185, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk;
  - (b) Candidates of a political party, as defined in KRS 118.015, who have been nominated for an unexpired term in a manner determined by the governing authority of the party, as provided in KRS 118.115, and whose evidences of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
  - (c) Candidates of a political party, as defined in KRS 118.015, who have been nominated by the governing authority of the party to fill a vacancy in the candidacy of a person nominated at the preceding primary~~election~~, as provided in KRS 118.105, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk, by at least the date provided by the election law generally for such filing;
  - (d) Candidates who have been nominated by a political organization as provided in KRS 118.325 and whose certificates or petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
  - (e) Independent candidates who have been nominated by petition as provided in KRS 118.315, and whose petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
  - (f) Successful nominees of all nonpartisan primaries which shall have been conducted;
  - (g) Candidates who have filed a petition of candidacy as shall be required to fill a vacancy which shall appear on the ballot;
  - (h) The county clerk shall determine whether the name of any replacement candidate who has been nominated as provided in KRS 118.105(5) may be placed on the machine ballot or ballot cards and whether the voting machine may be reprogrammed to count the votes cast for that candidate or whether the ballot or ballot cards must be reprinted to accommodate votes cast for any replacement candidate and shall take the appropriate action to accommodate the replacement of any candidate. If the county clerk determines that the name of any replacement candidate cannot be accommodated on the existing ballot or ballot cards and if there is insufficient time before the election to reprint the entire ballot, the county clerk shall request approval to use supplemental paper ballots for voting for that office only in the same manner as permitted for other situations as provided in KRS 118.215(5), and, if approved, shall have an adequate number of supplemental paper ballots printed for voting for that office and only votes cast for that office by means of the supplemental paper ballots shall be tabulated and recorded by the precinct election officers and county board of elections. All actions by a county clerk, the State Board of Elections, and the Secretary of State which are necessary to provide for voting at a regular election for candidates nominated pursuant to KRS 118.105(5) shall be carried out with all possible speed. When a candidate has been replaced as provided in KRS 118.105(5) after absentee *and federal provisional absentee* ballots have been printed and distributed for the regular election, neither the precinct election officers nor the county board of elections shall tabulate or record any absentee *or federal provisional absentee* votes cast for the candidate who was replaced. If ballots are reprinted or supplemental paper ballots are printed, or if voting machines must be reprogrammed to count the votes cast for a replacement candidate, the costs for the printing and reprogramming shall be paid by the political party who has nominated a replacement candidate, or proportionately by each political party if each party nominates a replacement candidate;

- (i) Candidates for President and Vice President of the United States, of those political parties and organizations who have nominated presidential electors as provided in KRS 118.325, if the certificate of nomination of the electors has been filed with the Secretary of State within the time prescribed in this chapter;
  - (j) Candidates for soil and water district supervisors who have been nominated by petition as provided in KRS 262.210; and
  - (k) Candidates for city office for which no nonpartisan primary has been conducted in a city which requires nonpartisan city elections.
- (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election.
  - (3) Candidates for members of boards of education shall have their names printed on ballot labels and absentee ballots for the regular election only after filing as provided in KRS 160.220.
  - (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be printed upon the ballot labels, ***federal provisional ballots, federal provisional absentee ballots***, and absentee ballots for any regular election as the nominee of any political party, as defined in KRS 118.015, or under the emblem of any political party, as so defined, except those candidates who have been duly and regularly nominated as nominees of that party at a primary held as provided in this chapter.
  - (5) No county clerk shall knowingly cause to be printed, upon the ballot labels, ***federal provisional ballots, federal provisional absentee ballots***, or absentee ballots for any regular election, the name of any candidate of a political party, as defined in KRS 118.015, who has not been nominated in the manner provided in the ~~primary election~~ laws ***governing primaries*** or the name of any candidate who is not in compliance with the restrictions concerning party registration and candidacy provided in of KRS 118.315(1).
  - (6) The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors.
  - (7) When a vacancy occurs in an elective office which is required by law to be filled temporarily by appointment, the officer or body designated by law to make the appointment, or in the case of an office to be filled by appointment from a list of nominations, the officer or body designated by law to make the nominations, shall immediately notify in writing both the county clerk and Secretary of State of the vacancy.
  - (8) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 29. KRS 118.405 is amended to read as follows:

No candidate's name shall appear on any voting machine, ***federal provisional ballot, federal provisional absentee ballot***, or absentee ballot more than once, except that a candidate's name may appear twice if he ***or she*** is a candidate for a primary or a regular election and also a candidate to fill a vacancy in the same office required to be filled at a special election, when the special election to fill a vacancy is scheduled for the regular election day.

➔Section 30. KRS 119.005 is amended to read as follows:

- (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a special ballot, ***a federal provisional ballot, a federal provisional absentee ballot***, or a supplemental paper ballot which has been authorized for the use of the voters in any primary ***or regular***, ~~general~~ or special election by the Secretary of State or the county clerk;
- (2) "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;
- (4) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his ***or her*** vote in an election.

➔Section 31. KRS 120.005 is amended to read as follows:

- (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a special ballot, ***a federal provisional ballot, a federal provisional absentee ballot***, or a supplemental paper ballot which has been authorized for the use of the voters in any primary ***or regular***, ~~general~~ or special election by the Secretary of State or the county clerk;
- (2) "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;
- (4) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his vote in an election.

➔Section 32. KRS 186.531 is amended to read as follows:

- (1) As used in this section:
  - (a) "AOC Fund" means the circuit court clerk salary account created in KRS 27A.052;
  - (b) "GF" means the general fund;
  - (c) "IP" means instruction permit;
  - (d) "License Fund" means the KYTC photo license account created in KRS 174.056;
  - (e) "MC" means motorcycle;
  - (f) "MC Fund" means the motorcycle safety education program fund established in KRS 15A.358;
  - (g) "OL" means operator's license; and
  - (h) "PIDC" means personal identification card.
- (2) The fees imposed for voluntary travel ID operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card Type	Fee	Road Fund	License Fund	AOC Fund	GF	MC Fund
OL						
(initial/renewal)	\$48	\$31	\$7	\$10	\$0	\$0
OL (Under 21)						
(Up to 4 years)	\$18	\$8.50	\$5	\$4.50	\$0	\$0
Any OL, MC OL or combination						
(duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
Motor vehicle IP						
(3 years)	\$18	\$6	\$5	\$5	\$2	\$0
Motorcycle IP						
(1 year)	\$18	\$6	\$5	\$2	\$1	\$4
Motorcycle OL						
(initial/renewal)	\$48	\$19.50	\$9	\$9.50	\$0	\$10
Combination vehicle/MC OL						
(initial/renewal)	\$58	\$28	\$7	\$13	\$0	\$10



## PIDC

(initial/renewal)	\$28	\$11	\$8	\$6	\$3	\$0
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## PIDC

(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
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- (3) *Except as provided in subsection (9) of this section*, the fees imposed for standard operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card	Fee	Road	License	AOC	GF	MC
Type		Fund	Fund	Fund		Fund

## OL

(initial/renewal)	\$43	\$28	\$7	\$8	\$0	\$0
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## OL (Under 21)

(Up to 4 years)	\$15	\$7.50	\$4	\$3.50	\$0	\$0
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## Any OL, MC OL

## or combination

(duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
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## Motor vehicle IP

(3 years)	\$15	\$5	\$4	\$4	\$2	\$0
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## Motorcycle IP

(1 year)	\$15	\$5	\$4	\$1	\$1	\$4
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## Motorcycle OL

(initial/renewal)	\$43	\$17.50	\$8	\$7.50	\$0	\$10
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## Combination

## vehicle/MC OL

(initial/renewal)	\$53	\$25	\$7	\$11	\$0	\$10
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## PIDC

(initial/renewal)	\$23	\$8	\$8	\$4	\$3	\$0
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## PIDC

(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
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## PIDC

## (no fixed address)

## KRS 186.4122(5) and

186.4123(5)	\$10	\$0	\$5	\$5	\$0	\$0
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- (4) The fee for a second or subsequent duplicate personal identification card for a person who does not have a fixed, permanent address, as allowed under KRS 186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal identification card.
- (5) The fee for a four (4) year original or renewal license issued pursuant to KRS 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and (3) of this section. The distribution of fees shown in subsections (2) and (3) of this section shall also be reduced by fifty percent (50%) for licenses that are issued for four (4) years.
- (6) Any fee for any identity document applied for using alternative technology under KRS 186.410 and 186.4122 shall be distributed in the same manner as a document applied for with the circuit clerk.

- (7) (a) An applicant for an original or renewal operator's license, commercial driver's license, motorcycle operator's license, or personal identification card shall be requested by the clerk to make a donation to promote an organ donor program.
  - (b) A donation under this subsection shall be two dollars (\$2) for any license or card with an eight (8) year term, and one dollar (\$1) for any license or card with a term of less than eight (8) years.
  - (c) The donation under this subsection shall be added to the regular fee for an original or renewal motor vehicle operator's license, commercial driver's license, motorcycle operator's license, or personal identification card. One (1) donation may be made per issuance or renewal of a license or any combination thereof.
  - (d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal.
  - (8) In addition to the fees outlined in this section, the following individuals, upon application for an initial or renewal operator's license, instruction permit, or personal identification card, shall pay an additional application fee of thirty dollars (\$30), which shall be deposited in the road fund:
    - (a) An applicant who is not a United States citizen or permanent resident and who applies under KRS 186.4121 or 186.4123; or
    - (b) An applicant who is applying for a instruction permit, operator's license, or personal identification card without a photo under KRS 186.4102(9).
  - (9) ***There shall be no fee assessed for the initial, renewal, or duplicate standard personal identification card to an individual, if the individual:***
    - (a) ***Does not possess a valid operator's license or a commercial driver's license; and***
    - (b) ***Is at least eighteen (18) years of age on or before the day of the next regular election.***
- ➔Section 33. KRS 117.035 is amended to read as follows:
- (1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.
  - (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members appointed by the State Board of Elections not later than July 1 following the election of persons to statewide office, for a term of four (4) years and until their successors are appointed.
  - (b) The sheriff shall not serve on the board during any year in which he or she is a candidate, but shall recommend to the board a temporary replacement to serve in his or her place. If the sheriff cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the sheriff may resume his or her duties or a vacancy in office is declared.
  - (c) The county clerk may, at his or her option, continue to serve on the board during a year in which he or she is a candidate. If the clerk elects not to serve, he or she shall recommend a temporary replacement to serve in his or her place. If the county clerk cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the county clerk may resume his or her duties or a vacancy in office is declared.
  - (d)
    - 1. Notwithstanding the provisions of KRS 61.080, service on the board of elections shall be compatible with the holding of any other county or city office.
    - 2. The members shall be at least twenty-one (21) years of age, qualified voters in the county from which they are appointed, and shall not have been convicted of any election law offense.
    - 3. One (1) member shall be appointed from a list of five (5) names submitted by the county executive committee of each political party as defined in KRS 118.015. If there are two (2) or more contending executive committees of the same political party in any county, the one recognized by the written certificate of the chair of the state central committee of the political party shall be the one authorized to submit the lists.

4. If the State Board of Elections does not receive the list as required by subparagraph 3. of this paragraph for each political party for each county by the deadline established in paragraph (a) of this subsection or within one (1) month of a vacancy, then the chair of the state central committees for the political parties may submit lists of five (5) names of qualified residents from the remaining counties by August 1 following the election of persons to statewide office or within two (2) months of a vacancy.
  5. If the State Board of Elections does not receive a list from either the county executive committee under subparagraph 3. of this paragraph or the chair of the state executive committee under subparagraph 4. of this paragraph, then the State Board of Elections shall appoint a qualified resident from the county at its next regularly scheduled meeting in September following the election of persons to statewide office or within three (3) months of a vacancy.
  6. A member appointed by the State Board of Elections may be removed by the State Board of Elections for cause.
  7. A member appointed by the State Board of Elections may be removed by the State Board of Elections upon a request approved by a two-thirds (2/3) vote of the full membership of the county executive committee that submitted the member's name. The county executive shall provide conclusive evidence of the committee's membership and evidence of the committee's two-thirds (2/3) vote before the State Board of Elections removes any member appointed by the State Board of Elections.
  8. If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he or she is able to resume his or her term.
  9. A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of the candidacy.
  10. Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his or her predecessor.
- (e) Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as chair of the meetings and may vote. In case of a tie, the chair may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.
- (4) The board shall meet as follows:
- (a) During years in which a primary or regular election is scheduled, the board shall meet at least once every other month and may meet more frequently if necessary upon the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.
  - (b) During years in which no primary or regular election is scheduled, the board shall meet at the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.
  - (c) The board shall meet and stay in session on primary, regular election, and special election days to correct clerical errors, ~~to~~~~and~~ rule on questions regarding voter registration **and proof of identification**, and may make to the election officers such certifications as may be necessary. On primary, regular election, and special election days, appeals may be made to a Circuit Judge, but a ruling of the board shall be reversed only upon a finding that it was arbitrary and capricious.
- (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

**Vetoed April 13, 2020. Veto overridden and became law April 14, 2020.**

## CHAPTER 90

## ( SB 5 )

AN ACT relating to special purpose governmental entities.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO READ AS FOLLOWS:

- (1) *This section applies to any ad valorem tax or fee levied by a special purpose governmental entity that is not otherwise required by statute or ordinance to be adopted or approved through an official act of an establishing entity.*
- (2) *This section does not apply to:*
  - (a) *An air board established or operating under KRS 183.132 to 183.160;*
  - (b) *A fire protection district established or operating under KRS Chapter 75; or*
  - (c) *An ambulance taxing district established or operating under KRS 108.090 to 108.180.*
- (3) *As used in this section, "compensating tax rate" has the same meaning as in KRS 132.010 and applies to all special purpose governmental entities with the authority to levy ad valorem taxes, regardless of whether the special purpose governmental entity is subject to Section 2 of this Act or any other provision of the Kentucky Revised Statutes that requires advertisement or allows for voter recall.*
- (4) (a) *Notwithstanding any other provision of the Kentucky Revised Statutes, any special purpose governmental entity, other than the special purpose governmental entities described in subsection (2) of this section, proposing to levy:*
  1. *An ad valorem tax rate for the upcoming year that is projected to generate more revenue than would be generated by the levy of the compensating tax rate; or*
  2. *An ad valorem tax for the first time;*

*shall submit in writing the proposed rate to the establishing entity. If the establishing entity includes more than one (1) city or county, or if there is no establishing entity, the rate shall be submitted to the governing body of the city or county in which the largest number of citizens served by the special purpose governmental entity reside. If the special purpose governmental entity serves only the residents of a city, the notice shall be provided to the governing body of that city. The rate shall be submitted no later than seven (7) days after the adoption of the ordinance, order, resolution, or motion to levy a tax rate that exceeds the compensating tax rate, or to levy a new ad valorem tax.*
- (b) *The governing body of the city or county to which the rate was submitted shall have thirty (30) days from the date of submission to:*
  1. *Approve or fail to act on the proposed rate, in which case the proposed rate may be implemented by the special purpose governmental entity after all other statutory requirements for levying the rate are met;*
  2.
    - a. *Approve a rate that is less than the proposed rate but greater than the compensating tax rate when the special purpose governmental entity is proposing the levy of a rate that is projected to generate more revenue than would be generated by the levy of the compensating tax rate; or*
    - b. *Approve a rate that is less than the proposed rate when the special purpose governmental entity is proposing the levy of an ad valorem tax for the first time.*

*If the governing body approves a rate under subdivision a. or b. of this subparagraph, the approved amount of the rate may be implemented by the special purpose governmental entity after all other statutory requirements for levying the rate are met; or*

3. *Disapprove the entire proposed rate by a majority vote of the governing body, in which case subdivisions a. and b. of this subparagraph shall apply:*
  - a. *If the special purpose governmental entity levied an ad valorem tax during the current year, the special purpose governmental entity may levy a rate for the upcoming year that does not exceed the compensating tax rate; and*
  - b. *If the special purpose governmental entity is proposing an initial levy, the levy shall not be imposed, and the special purpose governmental entity shall wait at least one (1) year before proposing another ad valorem tax levy.*
- (c) *Upon request of a special purpose governmental entity, the DLG shall calculate rates on behalf of the special purpose governmental entity.*
- (5) (a) *Notwithstanding any other provision of the Kentucky Revised Statutes, any special purpose governmental entity, other than the special purpose governmental entities described in subsection (2) of this section, proposing the imposition of a new fee, or a fee which is expected to produce increased revenue as compared to revenue generated during the prior fiscal year, and that is not subject to an approval process for the proposed fee under another provision of the Kentucky Revised Statutes or administrative regulations promulgated pursuant thereto, shall submit the proposed fee to the establishing entity. If the establishing entity includes more than one (1) city or county, or if there is no establishing entity, the fee shall be submitted to the governing body of the city or county in which the largest number of citizens served by the special purpose governmental entity reside, except as provided in subsection (6) of this section. If the special purpose governmental entity serves only the residents of a city, the notice shall be provided to the governing body of that city. The proposed fee shall be submitted to the relevant city or county no later than forty-five (45) days prior to the scheduled implementation of the fee.*
- (b) *The governing body of the city or county shall have thirty (30) days from the date of submission to:*
  1. *Approve or fail to act on the proposed fee, in which case the proposed fee may be implemented by the special purpose governmental entity after all other statutory requirements for levying the fee are met;*
  2. *Approve a fee in an amount less than the amount of the proposed fee, in which case the approved fee amount may be implemented by the special purpose governmental entity after all other statutory requirements for levying the fee are met; or*
  3. *Disapprove the entire proposed fee by a majority vote of the governing body, in which case subdivisions a. and b. of this subparagraph shall apply:*
    - a. *If a proposed increase of an existing fee is disapproved, any fee then in existence shall remain unchanged, and the special purpose governmental entity shall not seek to increase the fee again for at least one (1) year from the date of the submission of the disapproved fee increase; and*
    - b. *If a proposed initial fee is disapproved, the special purpose governmental entity shall not seek to impose the fee again for at least one (1) year from the date of the submission of the disapproved initial fee.*
- (6) *The requirements established by subsection (5) of this section shall not apply to the following provisions of this subsection:*
  - (a) *Rental fees;*
  - (b) *Fees established by contractual arrangement;*
  - (c) *Admission fees;*
  - (d) *Fees or charges to recover costs incurred by a special purpose governmental entity for the connection, restoration, relocation, or discontinuation of any service requested by any person;*
  - (e) *Any penalty, interest, sanction, or other fee or charge imposed by a special purpose governmental entity for a failure to pay a charge or fee, or for the violation or breach of or failure to pay or perform as agreed pursuant to a contractual agreement or as reflected in a published schedule;*

- (f) *Amounts charged to customers or contractual partners for nonessential services provided on a voluntary basis;*
- (g) *Fees or charges authorized under federal law that pursuant to federal law may not be regulated by the Commonwealth or local governments within the Commonwealth;*
- (h) *Purchased water or sewage treatment adjustments, as authorized by KRS 278.015, made by a special purpose governmental entity as a direct result of a rate increase by its wholesale water supplier or wholesale sewage treatment provider;*
- (i) *Any new fee or fee increase for which a special purpose governmental entity must obtain prior approval from the Public Service Commission pursuant to KRS Chapter 278;*
- (j) *Other charges or fees imposed by a special purpose governmental entity for the provision of any service that is also available on the open market; or*
- (k) *Fees or charges imposed by municipal utilities for the provision of power, water, wastewater, natural gas, or telecommunications services, unless submission is otherwise required by statute or an ordinance adopted by the establishing entity.*
- (7) (a) *Subsections (4) and (5) of this section shall not be interpreted as transferring any tax-levying or fee-levying authority granted to a special purpose governmental entity under any other provision of the Kentucky Revised Statutes to cities and counties charged with reviewing tax and fee increases under this section.*
- (b) *This section shall not be interpreted to grant tax-levying or fee-levying authority on behalf of special purpose governmental entities to any city or county reviewing tax rates or fees proposed by a special purpose governmental entity and subject to review under this section.*
- (8) *This section shall apply independently of and in addition to any other statutory requirements and provisions relating to the levy of ad valorem taxes or fees by special purpose governmental entities, other than the special purpose governmental entities described in subsection (2) of this section, including statutory rate limits, public hearing requirements, and recall provisions, and shall not be interpreted to circumvent, supplant, or otherwise replace those requirements and provisions.*
- (9) *The provisions of this section shall not be interpreted as limiting the ability of any city, county, or other establishing entity to impose reporting or submission requirements that are more stringent than those established in this section.*

➔Section 2. KRS 132.023 is amended to read as follows:

- (1) No special purpose governmental entity shall levy a tax rate which exceeds the compensating tax rate until the taxing district has complied with the provisions of ***Section 1 of this Act and*** subsection (2) of this section.
- (2) (a) A special purpose governmental entity proposing to levy a tax rate which exceeds the compensating tax rate shall ***submit the proposed rate as required by Section 1 of this Act and*** shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the same location where the governing body of the city or county where the largest number of citizens served by the special purpose governmental entity reside meets, and shall be held immediately before a regularly scheduled meeting of that governing body.
- (b) The special purpose governmental entity shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following:
  - 1. The tax rate levied in the preceding year, and the revenue produced by that rate;
  - 2. The tax rate proposed for the current year and the revenue expected to be produced by that rate;
  - 3. The compensating tax rate and the revenue expected from it;
  - 4. The revenue expected from new property and personal property;
  - 5. The general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated;
  - 6. A time and place for the public hearing which shall be held not less than seven (7) days, nor more than ten (10) days, after the day that the second advertisement is published;

7. The purpose of the hearing; and
  8. A statement to the effect that the General Assembly has required publication of the advertisement and the information contained therein.
- (c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first-class mail to each person owning real property in the special purpose governmental entity, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.
- (d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The special purpose governmental entity may set reasonable time limits for testimony.
- (3) (a) That portion of a tax rate levied by an action of a special purpose governmental entity which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced by the compensating tax rate shall be subject to a recall vote or reconsideration by the special purpose governmental entity, as provided for in KRS 132.017, and shall be advertised as provided in paragraph (b) of this subsection.
- (b) The special purpose governmental entity shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced by the compensating tax rate, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following:
1. The fact that the taxing district has adopted a rate;
  2. The fact that the part of the rate which will produce revenue from real property, exclusive of new property, in excess of four percent (4%) over the amount of revenue produced by the compensating tax rate is subject to recall; and
  3. The name, address, and telephone number of the county clerk of the county in which the special purpose governmental entity is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

➔Section 3. KRS 132.025 is amended to read as follows:

- (1) In the event that the tax rate levied by an action of a taxing district, other than the state, counties, school districts, cities, and urban-county governments, for 1979-80, 1980-81, or 1981-82 produced a percentage increase in revenue from personal property less than the percentage increase in revenue from real property for the respective year, the taxing district, other than the state, counties, school districts, cities, and urban-county governments, may levy a tax rate applicable to personal property for 1982-83 only, which will produce the same cumulative percentage increase in revenue from personal property as was produced from real property in 1979-80, 1980-81 and 1981-82. Such a tax rate may be in addition to the tax rate levied under the provisions of KRS 132.024.
- (2) The tax rate levied under the provision of KRS 132.024 and subsection (1) of this section shall not exceed the tax rate applicable to personal property levied by the respective taxing district, other than the state, counties, school districts, cities, and urban-county governments, in 1981-82.
- (3) The tax rate applicable to personal property levied by a taxing district, other than the state, counties, school districts, cities, and urban-county governments shall not be subject to the public hearing provisions of KRS 132.023(2){(3)} and to the recall provisions of KRS 132.023(3){(4)}.

➔Section 4. The following KRS section is repealed:

65A.100 Fees and ad valorem taxes levied by special purpose governmental entities -- Reporting to governing body of city or county -- Reporting exceptions.

➔Section 5. This Act takes effect January 1, 2021.

**Vetoed March 27, 2020. Veto overridden and became law April 14, 2020.**

## CHAPTER 91

## ( HB 351 )

AN ACT relating to governmental operations and declaring an emergency.

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

➔Section 1. KRS 131.183 is amended to read as follows:

- (1) (a) ***Except for the addition to tax required when an underpayment of estimated tax occurs under Section 9 of this Act and KRS 141.305,*** all taxes payable to the Commonwealth not paid at the time prescribed by statute shall accrue interest at the tax interest rate.
    - (b) The tax interest rate shall be equal to the adjusted prime rate charged by banks rounded to the nearest full percent as adjusted by subsection (2) of this section.
    - (c) The commissioner of revenue shall adjust the tax interest rate not later than November 15 of each year if the adjusted prime rate charged by banks during September of that year, rounded to the nearest full percent, is at least one (1) percentage point more or less than the tax interest rate which is then in effect. The adjusted tax interest rate shall become effective on January 1 of the immediately succeeding year.
  - (2) (a) 1. All taxes payable to the Commonwealth that have not been paid at the time prescribed by statute shall accrue interest at the tax interest rate as determined in accordance with subsection (1) of this section until May 1, 2008.
    2. Beginning on May 1, 2008, all taxes payable to the Commonwealth that have not been paid at the time prescribed by statute shall accrue interest at the tax interest rate as determined in accordance with subsection (1) of this section plus two percent (2%).
  - (b) 1. Interest shall be allowed and paid upon any overpayment as defined in KRS 134.580 in respect of any of the taxes provided for in Chapters 131, 132, 134, 136, 137, 138, 139, 140, 141, 142, 143, 143A, and 243 of the Kentucky Revised Statutes and KRS 160.613 and 160.614 at the rate provided in subsection (1) of this section until May 1, 2008.
    2. Beginning on May 1, 2008, interest shall be allowed and paid upon any overpayment as defined in KRS 134.580 at the rate provided in subsection (1) of this section minus two percent (2%).
    3. Effective for refunds issued after April 24, 2008, except for the provisions of KRS 138.351, 141.044(2), 141.235(3), and subsection (3) of this section, interest authorized under this subsection shall begin to accrue sixty (60) days after the latest of:
      - a. The due date of the return;
      - b. The date the return was filed;
      - c. The date the tax was paid;
      - d. The last day prescribed by law for filing the return; or
      - e. The date an amended return claiming a refund is filed.
  - (c) In no case shall interest be paid in an amount less than five dollars (\$5).
  - (d) ***No refund shall be made of any estimated tax paid unless a return is filed as required by KRS Chapter 141.***
- (3) Effective for refund claims filed on or after July 15, 1992, if any overpayment of the tax imposed under KRS Chapter 141 results from a carryback of a net operating loss or a net capital loss, the overpayment shall be deemed to have been made on the date the claim for refund was filed. Interest authorized under subsection (2) of this section shall begin to accrue ninety (90) days from the date the claim for refund was filed.
  - (4) No interest shall be allowed or paid on any sales tax refund as provided by KRS 139.536.
  - (5) ***For purposes of this section, any addition to tax provided in Section 9 of this Act and KRS 141.305 shall be considered a penalty.***

➔Section 2. KRS 131.250 is amended to read as follows:

- (1) For the purpose of facilitating the administration of the taxes it administers, the department may require any tax return, report, or statement to be electronically filed.



(2) ~~The following reports, returns, or statements shall be electronically filed:~~

- ~~(a) The return required by KRS 136.620;~~
- ~~(b) For tax periods beginning on or after January 1, 2007, the report required by KRS 138.240;~~
- ~~(c) For tax periods beginning on or after August 1, 2010, the report required by KRS 138.260;~~
- ~~(d) For taxable years beginning on or after January 1, 2010, the return filed by a specified tax return preparer reporting the annual tax imposed by KRS 141.020, if the specified tax return preparer is required to electronically file the return for federal income tax purposes;~~
- ~~(e) The annual withholding statement required by KRS 141.335, if the employer issues more than twenty-five (25) statements annually;~~
- ~~(f) For tax periods beginning on or after July 1, 2005, the return required by KRS 160.615; and~~
- ~~(g) 1. For taxable years beginning on or after January 1, 2019, the returns required by KRS 141.201(3) or 141.206(1), provided that the corporation or pass through entity has gross receipts of one million dollars (\$1,000,000) or more.~~  
~~2. "Gross receipts" as used in this paragraph means gross receipts reported by the corporation or pass through entity on their federal income tax return filed for the same taxable year as the return due under KRS Chapter 141.~~

- (3) (a) A person required to electronically file a return, report, or statement may apply for a waiver from the requirement by submitting the request on a form prescribed by the department.
- (b) The request shall indicate the lack of one (1) or more of the following:
- 1. Compatible computer hardware;
  - 2. Internet access; or
  - 3. Other technological capabilities determined relevant by the department.

➔Section 3. KRS 133.225 is amended to read as follows:

(1) The department ~~of Revenue~~ shall ***provide the following information pertaining to property taxes on a Web site that is accessible to the public:***

- (a) ***An explanation of the process for assessing property values, which shall include but not be limited to:***
- 1. The duties and function of each state and local official involved in the property assessment process;***
  - 2. The methods most commonly used to compute fair cash value;***
  - 3. The types of property exempt from taxation;***
  - 4. The types of property assessed at a lower value as required by Sections 170 and 172A of the Kentucky Constitution, including property with a homestead exemption, agricultural property, and horticultural property;***
  - 5. The property tax calendar;***
  - 6. How and when to report property to the Property Valuation Administrator;***
  - 7. The process for examining real property for valuation purposes;***
  - 8. How and when a taxpayer is notified of the assessed value of property;***
  - 9. When and where the public can inspect the tax roll; and***
  - 10. The process for appealing the assessed values of real and personal property, including motor vehicles;***
- (b) ***An explanation of the process for setting the state tax rate and the county, city, school, and special taxing district tax rates, including but not limited to:***
- 1. The duties and function of each state and local official involved in the process for setting tax rates;***

2. *The definitions of compensating tax rate and net assessment growth;*
  3. *The requirements set forth in KRS 68.245, 132.023, 132.027, and 160.470; and*
  4. *The recall provisions set forth in KRS 132.017;*
  - (c) *An explanation of the process for property tax collection, including but not limited to:*
    1. *The duties and function of each state and local official involved in the tax collection process;*
    2. *How and when to remit payment of the tax;*
    3. *The due date for the tax;*
    4. *The early payment discount;*
    5. *The penalties assessed on delinquent taxes; and*
    6. *The delinquent tax collection process; and*
  - (d) *Direct links to the Web sites or guidance on how to access the Web sites of the local offices, such as the property valuation administrator's office, the county clerk's office, and the sheriff's office, that provide taxpayers additional information on the property taxes within its jurisdiction.*
  - (2) *The Web site address that provides the information required by subsection (1) of this section shall be included on every notice of assessment and property tax bill sent to the taxpayer*~~[draft, and the sheriff shall mail with the property tax bills annually, an explanation of the provisions of Acts 1979 (Ex. Sess.) ch. 25].~~
- ➔Section 4. KRS 138.220 is amended to read as follows:
- (1) (a) An excise tax at the rate of nine percent (9%) of the average wholesale price rounded to the nearest one-tenth of one cent (\$0.001) shall be paid on all gasoline and special fuel received in this state. The tax shall be paid on a per gallon basis.
  - (b) The average wholesale price shall be determined and adjusted as provided in KRS 138.228.
  - (c) For the purposes of the allocations in KRS 177.320(1) and (2) and 177.365, the amount calculated under this subsection shall be reduced by the amount calculated in subsection (3) of this section.
  - (d) Except as provided by KRS Chapter 138, no other excise or license tax shall be levied or assessed on gasoline or special fuel by the state or any political subdivision of the state.
  - (e) The tax herein imposed shall be paid by the dealer receiving the gasoline or special fuel to the State Treasurer in the manner and within the time specified in KRS 138.230 to 138.340 and all such tax may be added to the selling price charged by the dealer or other person paying the tax on gasoline or special fuel sold in this state.
  - (f) Nothing herein contained shall authorize or require the collection of the tax upon any gasoline or special fuel after it has been once taxed under the provisions of this section, unless such tax was refunded or credited.
  - (2) (a) In addition to the excise tax provided in subsection (1) of this section, there is hereby levied a supplemental highway user motor fuel tax to be paid in the same manner and at the same time as the tax provided in subsection (1) of this section.
  - (b) The tax shall be:
    1. Five cents (\$0.05) per gallon on gasoline; and
    2. Two cents (\$0.02) per gallon on special fuel.
  - (c) The supplemental highway user motor fuel tax provided by this subsection and the provisions of subsections (1) and (3) of this section shall constitute the tax on motor fuels imposed by KRS 138.220.
  - (3) Two and one-tenth cents (\$0.021), of the tax collected under subsection (1) of this section shall be excluded from the calculations in KRS 177.320(1) and (2) and 177.365. The funds identified in this subsection shall be deposited into the state road fund.
  - (4) Notification of the average wholesale price shall be given to all licensed dealers at least twenty (20) days in advance of *July 1*~~[the first day]~~ of each calendar *year*~~[quarter]~~.

- (5) Dealers with a tax-paid gasoline or special fuel inventory at the time an average wholesale price becomes effective, shall be subject to additional tax or appropriate tax credit to reflect the increase or decrease in the average wholesale price for the new quarter. The department shall promulgate administrative regulations to properly administer this provision.

➔Section 5. KRS 138.450 is amended to read as follows:

As used in KRS 138.455 to 138.470, unless the context requires otherwise:

- (1) "Current model year" means a motor vehicle of either the model year corresponding to the current calendar year or of the succeeding calendar year, if the same model and make is being offered for sale by local dealers;
- (2) "Dealer" means "motor vehicle dealer" as defined in KRS 190.010;
- (3) "Dealer demonstrator" means a new motor vehicle or a previous model year motor vehicle with an odometer reading of least one thousand (1,000) miles that has been used either by representatives of the manufacturer or by a licensed Kentucky dealer, franchised to sell the particular model and make, for demonstration;
- (4) "Historic motor vehicle" means a motor vehicle registered and licensed pursuant to KRS 186.043;
- (5) "Motor vehicle" means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the state, except road rollers, mopeds, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires;
- (6) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour;
- (7) "New motor vehicle" means a motor vehicle of the current model year which has not previously been registered in any state or country;
- (8) "Previous model year motor vehicle" means a motor vehicle not previously registered in any state or country which is neither of the current model year nor a dealer demonstrator;
- (9) "Total consideration given" means the amount given, valued in money, whether received in money or otherwise, at the time of purchase or at a later date, including consideration given for all equipment and accessories, standard and optional. "Total consideration given" shall not include:
  - (a) Any amount allowed as a manufacturer or dealer rebate if the rebate is provided at the time of purchase and is applied to the purchase of the motor vehicle;
  - (b) Any interest payments to be made over the life of a loan for the purchase of a motor vehicle; and
  - (c) The value of any items that are not equipment or accessories including but not limited to extended warranties, service contracts, and items that are given away as part of a promotional sales campaign;
- (10) "Trade-in allowance" means:
  - (a) The value assigned by the seller of a motor vehicle to a motor vehicle registered to the purchaser and offered in trade by the purchaser as part of the total consideration given by the purchaser and included in the notarized affidavit attesting to total consideration given; or
  - (b) In the absence of a notarized affidavit, the value of the vehicle being offered in trade as established by the department through the use of the reference manual;
- (11) "Used motor vehicle" means a motor vehicle which has been previously registered in any state or country;
- (12) "Retail price" for:
  - (a) New motor vehicles;
  - (b) Dealer demonstrator vehicles;
  - (c) Previous model year motor vehicles; and

- (d) U-Drive-It motor vehicles that have been transferred within one hundred eighty (180) days of being registered as a U-Drive-It and that have less than five thousand (5,000) miles;

means the total consideration given, as determined in KRS ~~138.4603~~~~138.4602~~;

- (13) "Retail price" for historic motor vehicles shall be one hundred dollars (\$100);
- (14) "Retail price" for used motor vehicles being titled or registered by a new resident for the first time in Kentucky whose values appear in the reference manual means the trade-in value given in the reference manual;
- (15) "Retail price" for older used motor vehicles being titled or registered by a new resident for the first time in Kentucky whose values no longer appear in the reference manual shall be one hundred dollars (\$100);
- (16) (a) "Retail price" for:
1. Used motor vehicles, except those vehicles for which the retail price is established in subsection (13), (14), (15), (17), or (19) of this section; and
  2. U-Drive-It motor vehicles that are not transferred within one hundred eighty (180) days of being registered as a U-Drive-It or that have more than five thousand (5,000) miles;
- means the total consideration given, excluding any amount allowed as a trade-in allowance by the seller, as attested to in a notarized affidavit, provided that the retail price established by the notarized affidavit shall not be less than fifty percent (50%) of the difference between the trade-in value, as established by the reference manual, of the motor vehicle offered for registration and the trade-in value, as established by the reference manual, of any motor vehicle offered in trade as part of the total consideration given.
- (b) The trade-in allowance shall also be disclosed in the notarized affidavit.
- (c) If a notarized affidavit is not available, "retail price" shall be established by the department through the use of the reference manual;
- (17) Except as provided in KRS 138.470(6), if a motor vehicle is received by an individual as a gift and not purchased or leased by the individual, "retail price" shall be the trade-in value given in the reference manual;
- (18) If a dealer transfers a motor vehicle which he has registered as a loaner or rental motor vehicle within one hundred eighty (180) days of the registration, and if less than five thousand (5,000) miles have been placed on the vehicle during the period of its registration as a loaner or rental motor vehicle, then the "retail price" of the vehicle shall be the same as the retail price determined by paragraph (a) of subsection (12) of this section computed as of the date on which the vehicle is transferred;
- (19) "Retail price" for motor vehicles titled pursuant to KRS 186A.520, 186A.525, 186A.530, or 186A.555 means the total consideration given as attested to in a notarized affidavit;
- (20) "Loaner or rental motor vehicle" means a motor vehicle owned or registered by a dealer and which is regularly loaned or rented to customers of the service or repair component of the dealership;
- (21) "Department" means the Department of Revenue;
- (22) "Notarized affidavit" means a dated affidavit signed by the buyer and the seller on which the signature of the buyer and the signature of the seller are individually notarized; and
- (23) "Reference manual" means the automotive reference manual prescribed by the department.

➔Section 6. KRS 139.260 is amended to read as follows:

For the purpose of the proper administration of this chapter and to prevent evasion of the duty to collect the taxes imposed by KRS 139.200 and 139.310, it shall be presumed that all gross receipts and all tangible personal property, digital property, and services sold by any person for delivery or access in this state are subject to the tax until the contrary is established. The burden of proving the contrary is upon the person who makes the sale of:

- (1) Tangible personal property or digital property unless the person takes from the purchaser a certificate to the effect that the property is either:
- (a) Purchased for resale according to the provisions of KRS 139.270;
  - (b) Purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; or

- (c) Purchased according to administrative regulations promulgated by the department governing a direct pay authorization;
- (2) A service included in KRS 139.200(2)(a) to (f) unless the person takes from the purchaser a certificate to the effect that the service is purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; and
- (3) A service included in KRS 139.200(2)(g) to (q) unless the person takes from the purchaser a certificate to the effect that the ~~service~~~~property~~ is:
  - (a) Purchased for resale according to KRS 139.270;
  - (b) Purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; or
  - (c) Purchased according to administrative regulations promulgated by the department governing a direct pay authorization.

➔ Section 7. KRS 141.039 is amended to read as follows:

For taxable years beginning on or after January 1, 2018, in the case of corporations:

- (1) Gross income shall be calculated by adjusting federal gross income as defined in Section 61 of the Internal Revenue Code 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;
  - (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;
  - ~~(f)(g)~~ Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;
  - ~~(g)(h)~~ Include the amount of depreciation deduction calculated under 26 U.S.C. sec. 167 or 168; and
- (2) Net income shall be calculated by subtracting from gross income:
  - (a) The deduction for depreciation allowed by KRS 141.0101;
  - (b) Any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families;
  - (c) All the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code, 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. 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;
  6. Any deduction prohibited by KRS 141.205; and
  7. Any dividends-paid deduction of any captive real estate investment trust; and
- (d)
1. A deferred tax deduction in an amount computed in accordance with this paragraph.
  2. For purposes of this paragraph:
    - a. "Net deferred tax asset" means that deferred tax assets exceed the deferred tax liabilities of the combined group, as computed in accordance with accounting principles generally accepted in the United States of America; and
    - b. "Net deferred tax liability" means deferred tax liabilities that exceed the deferred tax assets of a combined group as defined in KRS 141.202, as computed in accordance with accounting principles generally accepted in the United States of America.
  3. Only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with accounting principles generally accepted in the United States of America, as of January 1, 2019, shall be eligible for this deduction.
  4. If the provisions of KRS 141.202 result in an aggregate increase to the member's net deferred tax liability, an aggregate decrease to the member's net deferred tax asset, or an aggregate change from a net deferred tax asset to a net deferred tax liability, the combined group shall be entitled to a deduction, as determined in this paragraph.
  5. For ten (10) years beginning with the combined group's first taxable year beginning on or after January 1, 2024, a combined group shall be entitled to a deduction from the combined group's entire net income equal to one-tenth (1/10) of the amount necessary to offset the increase in the net deferred tax liability, decrease in the net deferred tax asset, or aggregate change from a net deferred tax asset to a net deferred tax liability. The increase in the net deferred tax liability, decrease in the net deferred tax asset, or the aggregate change from a net deferred tax asset to a net deferred tax liability shall be computed based on the change that would result from the imposition of the combined reporting requirement under KRS 141.202, but for the deduction provided under this paragraph as of June 27, 2019.
  6. The deferred tax impact determined in subparagraph 5. of this paragraph shall be converted to the annual deferred tax deduction amount, as follows:
    - a. The deferred tax impact determined in subparagraph 5. of this paragraph shall be divided by the tax rate determined under KRS 141.040;
    - b. The resulting amount shall be further divided by the apportionment factor determined by KRS 141.120 or 141.121 that was used by the combined group in the calculation of the deferred tax assets and deferred tax liabilities as described in subparagraph 5. of this paragraph; and
    - c. The resulting amount represents the total net deferred tax deduction available over the ten (10) year period as described in subparagraph 5. of this paragraph.
  7. The deduction calculated under this paragraph shall not be adjusted as a result of any events happening subsequent to the calculation, including but not limited to any disposition or abandonment of assets. The deduction shall be calculated without regard to the federal tax effect and shall not alter the tax basis of any asset. If the deduction under this section is greater than the combined group's entire Kentucky net income, any excess deduction shall be carried forward and

applied as a deduction to the combined group's entire net income in future taxable years until fully utilized.

8. Any combined group intending to claim a deduction under this paragraph shall file a statement with the department on or before July 1, 2019. The statement shall specify the total amount of the deduction which the combined group claims on the form, including calculations and other information supporting the total amounts of the deduction as required by the department. No deduction shall be allowed under this paragraph for any taxable year, except to the extent claimed on the timely filed statement in accordance with this paragraph.

➔Section 8. KRS 141.0401 is amended to read as follows:

(1) As used in this section:

- (a) "Kentucky gross receipts" means an amount equal to the computation of the numerator of the apportionment fraction under KRS 141.120, any administrative regulations related to the computation of the sales factor, and KRS 141.121 and includes the proportionate share of Kentucky gross receipts of all wholly or partially owned limited liability pass-through entities, including all layers of a multi-layered pass-through structure;
- (b) "Gross receipts from all sources" means an amount equal to the computation of the denominator of the apportionment fraction under KRS 141.120, any administrative regulations related to the computation of the sales factor, and KRS 141.121 and includes the proportionate share of gross receipts from all sources of all wholly or partially owned limited liability pass-through entities, including all layers of a multi-layered pass-through structure;
- (c) "~~Affiliated~~~~Combined~~ group" *has the same meaning as*~~means all members of an affiliated group as defined in Section 11 of this Act~~~~KRS 141.200(9)(b) and all limited liability pass-through entities that would be included in an affiliated group if organized as a corporation~~;
- (d) "Cost of goods sold" means:
  1. Amounts that are:
    - a. Allowable as cost of goods sold pursuant to the Internal Revenue Code and any guidelines issued by the Internal Revenue Service relating to cost of goods sold, unless modified by this paragraph; and
    - b. Incurred in acquiring or producing the tangible product generating the Kentucky gross receipts.
  2. For manufacturing, producing, reselling, retailing, or wholesaling activities, cost of goods sold shall only include costs directly incurred in acquiring or producing the tangible product. In determining cost of goods sold:
    - a. Labor costs shall be limited to direct labor costs as defined in paragraph (f) of this subsection;
    - b. Bulk delivery costs as defined in paragraph (g) of this subsection may be included; and
    - c. Costs allowable under Section 263A of the Internal Revenue Code may be included only to the extent the costs are incurred in acquiring or producing the tangible product generating the Kentucky gross receipts. Notwithstanding the foregoing, indirect labor costs allowable under Section 263A shall not be included;
  3. For any activity other than manufacturing, producing, reselling, retailing, or wholesaling, no costs shall be included in cost of goods sold.

As used in this paragraph, "guidelines issued by the Internal Revenue Service" includes regulations, private letter rulings, or any other guidance issued by the Internal Revenue Service that may be relied upon by taxpayers under reliance standards established by the Internal Revenue Service;

- (e) 1. "Kentucky gross profits" means Kentucky gross receipts reduced by returns and allowances attributable to Kentucky gross receipts, less the cost of goods sold attributable to Kentucky gross receipts. If the amount of returns and allowances attributable to Kentucky gross receipts and the cost of goods sold attributable to Kentucky gross receipts is zero, then "Kentucky gross profits" means Kentucky gross receipts; and

2. "Gross profits from all sources" means gross receipts from all sources reduced by returns and allowances attributable to gross receipts from all sources, less the cost of goods sold attributable to gross receipts from all sources. If the amount of returns and allowances attributable to gross receipts from all sources and the cost of goods sold attributable to gross receipts from all sources is zero, then gross profits from all sources means gross receipts from all sources;
- (f) "Direct labor" means labor that is incorporated into the tangible product sold or is an integral part of the manufacturing process;
- (g) "Bulk delivery costs" means the cost of delivering the product to the consumer if:
  1. The tangible product is delivered in bulk and requires specialized equipment that generally precludes commercial shipping; and
  2. The tangible product is taxable under KRS 138.220;
- (h) "Manufacturing" and "producing" means:
  1. Manufacturing, producing, constructing, or assembling components to produce a significantly different or enhanced end tangible product;
  2. Mining or severing natural resources from the earth; or
  3. Growing or raising agricultural or horticultural products or animals;
- (i) "Real property" means land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land;
- (j) "Reselling," "retailing," and "wholesaling" mean the sale of a tangible product;
- (k) "Tangible personal property" means property, other than real property, that has physical form and characteristics; and
- (l) "Tangible product" means real property and tangible personal property;
- (2) (a) For taxable years beginning on or after January 1, 2007, an annual limited liability entity tax shall be paid by every corporation and every limited liability pass-through entity doing business in Kentucky on all Kentucky gross receipts or Kentucky gross profits except as provided in this subsection. A small business exclusion from this tax shall be provided based on the reduction contained in this subsection. The tax shall be the greater of the amount computed under paragraph (b) of this subsection or one hundred seventy-five dollars (\$175), regardless of the application of any tax credits provided under this chapter or any other provisions of the Kentucky Revised Statutes for which the business entity may qualify.
- (b) The limited liability entity tax shall be the lesser of subparagraph 1. or 2. of this paragraph:
  1. a. If the corporation's or limited liability pass-through entity's gross receipts from all sources are three million dollars (\$3,000,000) or less, the limited liability entity tax shall be one hundred seventy-five dollars (\$175);
  - b. If the corporation's or limited liability pass-through entity's gross receipts from all sources are greater than three million dollars (\$3,000,000) but less than six million dollars (\$6,000,000), the limited liability entity tax shall be nine and one-half cents (\$0.095) per one hundred dollars (\$100) of the corporation's or limited liability pass-through entity's Kentucky gross receipts reduced by an amount equal to two thousand eight hundred fifty dollars (\$2,850) multiplied by a fraction, the numerator of which is six million dollars (\$6,000,000) less the amount of the corporation's or limited liability pass-through entity's Kentucky gross receipts for the taxable year, and the denominator of which is three million dollars (\$3,000,000), but in no case shall the result be less than one hundred seventy-five dollars (\$175);
  - c. If the corporation's or limited liability pass-through entity's gross receipts from all sources are equal to or greater than six million dollars (\$6,000,000), the limited liability entity tax shall be nine and one-half cents (\$0.095) per one hundred dollars (\$100) of the corporation's or limited liability pass-through entity's Kentucky gross receipts.



2.
  - a. If the corporation's or limited liability pass-through entity's gross profits from all sources are three million dollars (\$3,000,000) or less, the limited liability entity tax shall be one hundred seventy-five dollars (\$175);
  - b. If the corporation's or limited liability pass-through entity's gross profits from all sources are at least three million dollars (\$3,000,000) but less than six million dollars (\$6,000,000), the limited liability entity tax shall be seventy-five cents (\$0.75) per one hundred dollars (\$100) of the corporation's or limited liability pass-through entity's Kentucky gross profits, reduced by an amount equal to twenty-two thousand five hundred dollars (\$22,500) multiplied by a fraction, the numerator of which is six million dollars (\$6,000,000) less the amount of the corporation's or limited liability pass-through entity's Kentucky gross profits, and the denominator of which is three million dollars (\$3,000,000), but in no case shall the result be less than one hundred seventy-five dollars (\$175);
  - c. If the corporation's or limited liability pass-through entity's gross profits from all sources are equal to or greater than six million dollars (\$6,000,000), the limited liability entity tax shall be seventy-five cents (\$0.75) per one hundred dollars (\$100) of all of the corporation's or limited liability pass-through entity's Kentucky gross profits.

In determining eligibility for the reductions contained in this paragraph, a member of *an affiliated*~~a combined~~ group shall consider the *total*~~combined~~ gross receipts and the *total*~~combined~~ gross profits from all sources of the entire *affiliated*~~combined~~ group, including eliminating entries for transactions among the group.

- (c) A credit shall be allowed against the tax imposed under paragraph (a) of this subsection for the current year to a corporation or limited liability pass-through entity that owns an interest in a limited liability pass-through entity. The credit shall be the proportionate share of tax calculated under this subsection by the lower-level pass-through entity, as determined after the amount of tax calculated by the pass-through entity has been reduced by the minimum tax of one hundred seventy-five dollars (\$175). The credit shall apply across multiple layers of a multi-layered pass-through entity structure. The credit at each layer shall include the credit from each lower layer, after reduction for the minimum tax of one hundred seventy-five dollars (\$175) at each layer.
  - (d) The department may promulgate administrative regulations to establish a method for calculating the cost of goods sold attributable to Kentucky.
- (3) A nonrefundable credit based on the tax calculated under subsection (2) of this section shall be allowed against the tax imposed by KRS 141.020 or 141.040. The credit amount shall be determined as follows:
- (a) The credit allowed a corporation subject to the tax imposed by KRS 141.040 shall be equal to the amount of tax calculated under subsection (2) of this section for the current year after subtraction of any credits identified in KRS 141.0205, reduced by the minimum tax of one hundred seventy-five dollars (\$175), plus any credit determined in paragraph (b) of this subsection for tax paid by wholly or partially owned limited liability pass-through entities. The amount of credit allowed to a corporation based on the amount of tax paid under subsection (2) of this section for the current year shall be applied to the income tax due from the corporation's activities in this state. Any remaining credit from the corporation shall be disallowed.
  - (b) The credit allowed members, shareholders, or partners of a limited liability pass-through entity shall be the members', shareholders', or partners' proportionate share of the tax calculated under subsection (2) of this section for the current year after subtraction of any credits identified in KRS 141.0205, as determined after the amount of tax paid has been reduced by the minimum tax of one hundred seventy-five dollars (\$175). The credit allowed to members, shareholders, or partners of a limited liability pass-through entity shall be applied to income tax assessed on income from the limited liability pass-through entity. Any remaining credit from the limited liability pass-through entity shall be disallowed.
- (4) Each taxpayer subject to the tax imposed in this section shall file a return, on forms prepared by the department, on or before the fifteenth day of the fourth month following the close of the taxpayer's taxable year. Any tax remaining due after making the payments required in KRS 141.044 shall be paid by the original due date of the return.
- (5) The department shall prescribe forms and promulgate administrative regulations as needed to administer the provisions of this section.

(6) The tax imposed by subsection (2) of this section shall not apply to:

(a) For taxable years beginning prior to January 1, 2021:

1. Financial institutions, as defined in KRS 136.500, except banker's banks organized under KRS 287.135 or 286.3-135;
2. Savings and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only;
3. Banks for cooperatives;
4. Production credit associations;
5. Insurance companies, including farmers' or other mutual hail, cyclone, windstorm, or fire insurance companies, insurers, and reciprocal underwriters;
6. Corporations or other entities exempt under Section 501 of the Internal Revenue Code;
7. Religious, educational, charitable, or like corporations not organized or conducted for pecuniary profit;
8. Corporations whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, provided that:
  - a. The property consists of the final printed product, or copy from which the printed product is produced; and
  - b. The corporation has no individuals receiving compensation in this state as provided in KRS 141.901;
9. Public service corporations subject to tax under KRS 136.120;
10. Open-end registered investment companies organized under the laws of this state and registered under the Investment Company Act of 1940;
11. Any property or facility which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
12. An alcohol production facility as defined in KRS 247.910;
13. Real estate investment trusts as defined in Section 856 of the Internal Revenue Code;
14. Regulated investment companies as defined in Section 851 of the Internal Revenue Code;
15. Real estate mortgage investment conduits as defined in Section 860D of the Internal Revenue Code;
16. Personal service corporations as defined in Section 269A(b)(1) of the Internal Revenue Code;
17. Cooperatives described in Sections 521 and 1381 of the Internal Revenue Code, including farmers' agricultural and other cooperatives organized or recognized under KRS Chapter 272, advertising cooperatives, purchasing cooperatives, homeowners associations including those described in Section 528 of the Internal Revenue Code, political organizations as defined in Section 527 of the Internal Revenue Code, and rural electric and rural telephone cooperatives; or
18. Publicly traded partnerships as defined by Section 7704(b) of the Internal Revenue Code that are treated as partnerships for federal tax purposes under Section 7704(c) of the Internal Revenue Code, or their publicly traded partnership affiliates. "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; and

(b) For taxable years beginning on or after January 1, 2021:

1. Insurance companies, including farmers' or other mutual hail, cyclone, windstorm, or fire insurance companies, insurers, and reciprocal underwriters;
2. Corporations or other entities exempt under Section 501 of the Internal Revenue Code;

3. Religious, educational, charitable, or like corporations not organized or conducted for pecuniary profit;
  4. Corporations whose only owned or leased property located in this state is located at the premises of a printer with which it has contracted for printing, provided that:
    - a. The property consists of the final printed product, or copy from which the printed product is produced; and
    - b. The corporation has no individuals receiving compensation in this state as provided in KRS 141.901;
  5. Public service corporations subject to tax under KRS 136.120;
  6. Open-end registered investment companies organized under the laws of this state and registered under the Investment Company Act of 1940;
  7. Any property or facility which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
  8. An alcohol production facility as defined in KRS 247.910;
  9. Real estate investment trusts as defined in Section 856 of the Internal Revenue Code;
  10. Regulated investment companies as defined in Section 851 of the Internal Revenue Code;
  11. Real estate mortgage investment conduits as defined in Section 860D of the Internal Revenue Code;
  12. Personal service corporations as defined in Section 269A(b)(1) of the Internal Revenue Code;
  13. Cooperatives described in Sections 521 and 1381 of the Internal Revenue Code, including farmers' agricultural and other cooperatives organized or recognized under KRS Chapter 272, advertising cooperatives, purchasing cooperatives, homeowners associations including those described in Section 528 of the Internal Revenue Code, political organizations as defined in Section 527 of the Internal Revenue Code, and rural electric and rural telephone cooperatives; or
  14. Publicly traded partnerships as defined by Section 7704(b) of the Internal Revenue Code that are treated as partnerships for federal tax purposes under Section 7704(c) of the Internal Revenue Code, or their publicly traded partnership affiliates. "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.
- (7) (a) As used in this subsection, "qualified exempt organization" means an entity listed in subsection (6)(a) and (b) of this section and shall not include any entity whose exempt status has been disallowed by the Internal Revenue Service.
- (b) Notwithstanding any other provisions of this section, any limited liability pass-through entity that is owned in whole or in part by a qualified exempt organization shall, in calculating its Kentucky gross receipts or Kentucky gross profits, exclude the proportionate share of its Kentucky gross receipts or Kentucky gross profits attributable to the ownership interest of the qualified exempt organization.
- (c) Any limited liability pass-through entity that reduces Kentucky gross receipts or Kentucky gross profits in accordance with paragraph (b) of this subsection shall disregard the ownership interest of the qualified exempt organization in determining the amount of credit available under subsection (3) of this section.
- (d) The Department of Revenue may promulgate an administrative regulation to further define "qualified exempt organization" to include an entity for which exemption is constitutionally or legally required, or to exclude any entity created primarily for tax avoidance purposes with no legitimate business purpose.
- (8) The credit permitted by subsection (3) of this section shall flow through multiple layers of limited liability pass-through entities and shall be claimed by the taxpayer who ultimately pays the tax on the income of the limited liability pass-through entity.

➔Section 9. KRS 141.044 is amended to read as follows:

- (1) For taxable years beginning on or after January 1, 2019, every corporation and limited liability pass-through entity subject to taxation under KRS 141.040 and 141.0401 shall make estimated tax payments if the taxes imposed by KRS 141.040 and 141.0401 for the taxable year can reasonably be expected to exceed five thousand dollars (\$5,000).
- (2) Estimated tax payments for the taxes imposed under KRS 141.040 and 141.0401 shall be made at the same time and calculated in the same manner as estimated tax payments for federal income tax purposes under 26 U.S.C. sec. 6655, except:
  - (a) The estimated liabilities for the taxes imposed under KRS 141.040 and 141.0401 shall be used to make the estimated payments;
  - (b) Any provisions in 26 U.S.C. sec. 6655 that apply for federal tax purposes but do not apply to the taxes imposed under KRS 141.040 and 141.0401;
  - (c) The addition to tax identified by 26 U.S.C. sec. 6655(a) shall instead be considered a penalty under KRS 131.180;
  - (d) The tax interest rate identified under KRS 131.183 shall be used to determine the underpayment rate instead of the rate under 26 U.S.C. sec. 6621;~~and~~
  - (e) Any waiver of penalties shall be performed as provided in KRS 131.175; **and**
  - (f)
    1. ***A refund of taxes collected under this section shall include interest at the tax interest rate as defined in KRS 131.010(6).***
    2. ***Interest shall not begin to accrue until ninety (90) days after the latest of:***
      - a. ***The due date of the return;***
      - b. ***The date the return was filed;***
      - c. ***The date the tax was paid;***
      - d. ***The last day prescribed by law for filing the return; or***
      - e. ***The date an amended return claiming a refund is filed.***
    3. ***No refund shall be made of any estimated tax paid unless a return is filed as required by this chapter.***
- (3) The department may promulgate administrative regulations to implement this section.  
**➔Section 10.** KRS 141.121 is amended to read as follows:
  - (1) As used in this section:
    - (a) "Affiliated airline" means an airline:
      1. For which a qualified air freight forwarder facilitates air transportation; and
      2. That is in the same affiliated group as a qualified air freight forwarder;
    - (b) "Affiliated group" has the same meaning as in ***Section 11 of this Act***~~KRS 141.200~~;
    - (c) "Kentucky revenue passenger miles" means the total revenue passenger miles within the borders of Kentucky for all flight stages that either originate or terminate in this state;
    - (d) "Passenger airline" means a person or corporation engaged primarily in the carriage by aircraft of passengers in interstate commerce;
    - (e) "Provider" means any corporation engaged in the business of providing:
      1. Communications service as defined in KRS 136.602;
      2. Cable service as defined in KRS 136.602; or
      3. Internet access as defined in 47 U.S.C. sec. 151;
    - (f) "Qualified air freight forwarder" means a person that:
      1. Is engaged primarily in the facilitation of the transportation of property by air;
      2. Does not itself operate aircraft; and

3. Is in the same affiliated group as an affiliated airline; and
- (g) "Revenue passenger miles" means miles calculated in accordance with 14 C.F.R. Part 241.
- (2) (a) For purposes of apportioning business income to this state for taxable years beginning prior to January 1, 2018:
  1. Passenger airlines shall determine the property, payroll, and sales factors as follows:
    - a. Except as modified by this subdivision, the property factor shall be determined as provided in KRS 141.901. Aircraft operated by a passenger airline shall be included in both the numerator and denominator of the property factor. Aircraft shall be included in the numerator of the property factor by determining the product of:
      - i. The total average value of the aircraft operated by the passenger airline; and
      - ii. A fraction, the numerator of which is the Kentucky revenue passenger miles of the passenger airline for the taxable year and the denominator of which is the total revenue passenger miles of the passenger airline for the taxable year;
    - b. Except as modified by this subdivision, the payroll factor shall be determined as provided in KRS 141.901. Compensation paid during the tax period by a passenger airline to flight personnel shall be included in the numerator of the payroll factor by determining the product of:
      - i. The total amount paid during the taxable year to flight personnel; and
      - ii. A fraction, the numerator of which is the Kentucky revenue passenger miles of the passenger airline for the taxable year and the denominator of which is the total revenue passenger miles of the passenger airline for the taxable year; and
    - c. Except as modified by this subdivision, the sales factor shall be determined as provided in KRS 141.901. Transportation revenues shall be included in the numerator of the sales factor by determining the product of:
      - i. The total transportation revenues of the passenger airline for the taxable year; and
      - ii. A fraction, the numerator of which is the Kentucky revenue passenger miles for the taxable year and the denominator of which is the total revenue passenger miles for the taxable year; and
  2. Qualified air freight forwarders shall determine the property, payroll, and sales factors as follows:
    - a. The property factor shall be determined as provided in KRS 141.901;
    - b. The payroll factor shall be determined as provided in KRS 141.901; and
    - c. Except as modified by this subparagraph, the sales factor shall be determined as provided in KRS 141.901. Freight forwarding revenues shall be included in the numerator of the sales factor by determining the product of:
      - i. The total freight forwarding revenues of the qualified air freight forwarder for the taxable year; and
      - ii. A fraction, the numerator of which is miles operated in Kentucky by the affiliated airline and the denominator of which is the total miles operated by the affiliated airline.
- (b) For purposes of apportioning income to this state for taxable years beginning on or after January 1, 2018, except as modified by this paragraph, the apportionment fraction shall be determined as provided in KRS 141.120, except that:
  1. Transportation revenues shall be determined to be in this state by multiplying the total transportation revenues by a fraction, the numerator of which is the Kentucky revenue passenger miles for the taxable year and the denominator of which is the total revenue passenger miles for the taxable year; and

2. Freight forwarding revenues shall be determined to be in this state by multiplying the total freight forwarding revenues by a fraction, the numerator of which is miles operated in Kentucky by the affiliated airline and the denominator of which is the total miles operated by the affiliated airline.
- (3) For purposes of apportioning income to this state for taxable years beginning on or after January 1, 2018, the apportionment fraction for a provider shall continue to be calculated using a three (3) factor formula as provided in KRS 141.901.
- (4)
  - (a) A corporation may elect the allocation and apportionment methods for the corporation's apportionable income provided for in paragraphs (b) and (c) of this subsection. The election, if made, shall be irrevocable for a period of five (5) years.
  - (b) All business income derived directly or indirectly from the sale of management, distribution, or administration services to or on behalf of regulated investment companies, as defined under the Internal Revenue Code of 1986, as amended, including trustees, and sponsors or participants of employee benefit plans which have accounts in a regulated investment company, shall be apportioned to this state only to the extent that shareholders of the investment company are domiciled in this state as follows:
    1. Total apportionable income shall be multiplied by a fraction, the numerator of which shall be Kentucky receipts from the services for the tax period and the denominator of which shall be the total receipts everywhere from the services for the tax period;
    2. For purposes of subparagraph 1. of this paragraph, Kentucky receipts shall be determined by multiplying total receipts for the taxable year from each separate investment company for which the services are performed by a fraction. The numerator of the fraction shall be the average of the number of shares owned by the investment company's shareholders domiciled in this state at the beginning of and at the end of the investment company's taxable year, and the denominator of the fraction shall be the average of the number of the shares owned by the investment company shareholders everywhere at the beginning of and at the end of the investment company's taxable year; and
    3. Nonapportionable income shall be allocated to this state as provided in KRS 141.120.
  - (c) All apportionable income derived directly or indirectly from the sale of securities brokerage services by a business which operates within the boundaries of any area of the Commonwealth, which on June 30, 1992, was designated as a Kentucky Enterprise Zone, as described in KRS 154.655(2) before that statute was renumbered in 1992, shall be apportioned to this state only to the extent that customers of the securities brokerage firm are domiciled in this state. The portion of business income apportioned to Kentucky shall be determined by multiplying the total business income from the sale of these services by a fraction determined in the following manner:
    1. The numerator of the fraction shall be the brokerage commissions and total margin interest paid in respect of brokerage accounts owned by customers domiciled in Kentucky for the brokerage firm's taxable year;
    2. The denominator of the fraction shall be the brokerage commissions and total margin interest paid in respect of brokerage accounts owned by all of the brokerage firm's customers for that year; and
    3. Nonapportionable income shall be allocated to this state as provided in KRS 141.120.
- (5) Public service companies and financial organizations required by KRS 141.010 to allocate and apportion net income shall allocate and apportion that income as follows:
  - (a) Nonapportionable income shall be allocated to this state as provided in KRS 141.120;
  - (b) Apportionable income shall be apportioned to this state as provided by KRS 141.120. Receipts shall be determined as provided by administrative regulations promulgated by the department; and
  - (c) An affiliated group required to file a consolidated return under **Section 11 of this Act**~~[KRS 141.200]~~ that includes a public service company, a provider of communications services or multichannel video programming services as defined in KRS 136.602, or a financial organization shall determine the amount of receipts as provided by administrative regulations promulgated by the department.
- (6) A corporation:

- (a) That owns an interest in a limited liability pass-through entity; or
- (b) That owns an interest in a general partnership;

shall include the proportionate share of receipts of the limited liability pass-through entity or general partnership when apportioning income. The phrases "an interest in a limited liability pass-through entity" and "an interest in a general partnership" shall extend to each level of multiple-tiered pass-through entities.

- (7) The department shall promulgate administrative regulations to detail the sourcing of the following receipts related to financial institutions:
  - (a) Receipts from the lease of real property;
  - (b) Receipts from the lease of tangible personal property;
  - (c) Interest, fees, and penalties imposed in connection with loans secured by real property;
  - (d) Interest, fees, and penalties imposed in connection with loans not secured by real property;
  - (e) Net gains from the sale of loans;
  - (f) Receipts from fees, interest, and penalties charged to card holders;
  - (g) Net gains from the sale of credit card receivables;
  - (h) Card issuer's reimbursement fees;
  - (i) Receipts from merchant discount;
  - (j) Receipts from ATM fees;
  - (k) Receipts from loan servicing fees;
  - (l) Receipts from other services;
  - (m) Receipts from the financial institution's investment assets and activity and trading assets and activity; and
  - (n) All other receipts.

➔Section 11. KRS 141.201 is amended to read as follows:

- (1) This section shall apply to taxable years beginning on or after January 1, 2019.
- (2) As used in this section:
  - (a) "Affiliated group" means affiliated group as defined in Section 1504(a) of the Internal Revenue Code and related regulations;
  - (b) "Consolidated return" means a Kentucky corporation income tax return filed by members of an affiliated group in accordance with this section~~[- The determinations and computations required by this chapter shall be made in accordance with Section 1502 of the Internal Revenue Code and related regulations, except as required by differences between this chapter and the Internal Revenue Code. Corporations exempt from taxation under KRS 141.040 shall not be included in the return];~~
  - (c) "Separate return" means a Kentucky corporation income tax return in which only the transactions and activities of a single corporation are considered in making all determinations and computations necessary to calculate taxable net income, tax due, and credits allowed in accordance with this chapter;
  - (d) "Corporation" means "corporation" as defined in Section 7701(a)(3) of the Internal Revenue Code; and
  - (e) "Election period" means the forty-eight (48) month period provided for in subsection (4)(d) of this section.
- (3) Every corporation doing business in this state, except those *corporations listed as* exempt from taxation under KRS 141.040(1)(a) and (b), shall, for each taxable year:
  - (a) 1. File a combined report, if the corporation is a member of unitary business group as provided in KRS 141.202; or
  - 2. Make an election to file a consolidated return with all members of the affiliated group as provided in this section; or

- (b) File a separate return, if paragraph (a) of this subsection does not apply.
- (4) (a) An affiliated group, whether or not filing a federal consolidated return, may elect to file a consolidated return which includes all members of the affiliated group.
- (b) *1. An affiliated group electing to file a consolidated return under paragraph (a) of this subsection shall be treated for all purposes as a single corporation under this chapter.*
- 2. The determinations and computations required by this chapter shall be made in accordance with Section 1502 of the Internal Revenue Code and related regulations, except as required by differences between this chapter and the Internal Revenue Code.*
- 3. Corporations listed as exempt from taxation under KRS 141.040(1)(a) and (b) shall not be included in the return.*
- 4. All transactions between corporations included in the consolidated return shall be eliminated in computing net income as provided in KRS 141.039(2), and determining the apportionment fraction in accordance with KRS 141.120.*
- (c) Any election made in accordance with paragraph (a) of this subsection shall be made on a form prescribed by the department and shall be submitted to the department on or before the due date of the return, including extensions, for the first taxable year for which the election is made.
- (d) Any election to file a consolidated return pursuant to paragraph (a) of this subsection shall be binding on both the department and the affiliated group for a period beginning with the first month of the first taxable year for which the election is made and ending with the conclusion of the taxable year in which the forty-eighth consecutive calendar month expires.
- (e) For each taxable year for which an affiliated group has made an election provided in paragraph (a) of this subsection, the consolidated return shall include all corporations which are members of the affiliated group.
- (5) Each corporation included as part of an affiliated group filing a consolidated return shall be jointly and severally liable for the income tax liability computed on the consolidated return, except that any corporation which was not a member of the affiliated group for the entire taxable year shall be jointly and severally liable only for that portion of the Kentucky consolidated income tax liability attributable to that portion of the year that the corporation was a member of the affiliated group.
- (6) Every corporation return or report required by this chapter shall be executed by one (1) of the following officers of the corporation: the president, vice president, secretary, treasurer, assistant secretary, assistant treasurer, or chief accounting officer. The department may require a further or supplemental report of further information and data necessary for computation of the tax.
- (7) In the case of a corporation doing business in this state that carries on transactions with stockholders or with other corporations related by stock ownership, by interlocking directorates, or by some other method, the department shall require information necessary to make possible accurate assessment of the income derived by the corporation from sources within this state. To make possible this assessment, the department may require the corporation to file supplementary returns showing information respecting the business of any or all individuals and corporations related by one (1) or more of these methods to the corporation. The department may require the return to show in detail the record of transactions between the corporation and any or all other related corporations or individuals.

➔Section 12. KRS 141.202 is amended to read as follows:

- (1) This section shall apply to taxable years beginning on or after January 1, 2019.
- (2) As used in this section:
  - (a) "Combined group" means the group of all corporations whose income and apportionment factors are required to be taken into account as provided in subsection (3) of this section in determining the taxpayer's share of the net income or loss apportionable to this state. A combined group shall include only corporations, the voting stock of which is more than fifty percent (50%) owned, directly or indirectly, by a common owner or owners;
  - (b) "Corporation" has the same meaning as in KRS 141.010, including an organization of any kind treated as a corporation for tax purposes under KRS 141.040, wherever located, which if it were doing business in this state would be a taxpayer, and the business conducted by a pass-through entity which is directly



or indirectly held by a corporation shall be considered the business of the corporation to the extent of the corporation's distributive share of the pass-through entity income, inclusive of guaranteed payments;

- (c) "Doing business in a tax haven" means being engaged in activity sufficient for that tax haven jurisdiction to impose a tax under United States constitutional standards;
- (d) 1. "Tax haven" means a jurisdiction that, during the taxable year has no or nominal effective tax on the relevant income and:
  - a. Has laws or practices that prevent effective exchange of information for tax purposes with other governments on taxpayers benefitting from the tax regime;
  - b. Has a tax regime which lacks transparency. A tax regime lacks transparency if the details of legislative, legal, or administrative provisions are not open and apparent or are not consistently applied among similarly situated taxpayers, or if the information needed by tax authorities to determine a taxpayer's correct tax liability, such as accounting records and underlying documentation, is not adequately available;
  - c. Facilitates the establishment of foreign-owned entities without the need for a local substantive presence or prohibits these entities from having any commercial impact on the local economy;
  - d. Explicitly or implicitly excludes the jurisdiction's resident taxpayers from taking advantage of the tax regime's benefits or prohibits enterprises that benefit from the regime from operating in the jurisdiction's domestic market; or
  - e. Has created a tax regime which is favorable for tax avoidance, based upon an overall assessment of relevant factors, including whether the jurisdiction has a significant untaxed offshore financial or other services sector relative to its overall economy.
- 2. "Tax haven" does not include a jurisdiction that has entered into a comprehensive income tax treaty with the United States, which the Secretary of the Treasury has determined is satisfactory for purposes of Section 1(h)(11)(C)(i)(II) of the Internal Revenue Code;
- (e) "Taxpayer" means any corporation subject to the tax imposed under this chapter;
- (f) "Unitary business" means a single economic enterprise that is made up either of separate parts of a single corporation or of a commonly controlled group of corporations that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts. For purposes of this section, the term "unitary business" shall be broadly construed, to the extent permitted by the United States Constitution; and
- (g) "United States" means the fifty (50) states of the United States, the District of Columbia, and United States' territories and possessions.
- (3) (a) Except as provided in KRS 141.201, a taxpayer engaged in a unitary business with one (1) or more other corporations shall file a combined report which includes the income, determined under subsection (5) of this section, and the apportionment fraction, determined under KRS 141.120 and paragraph (d) of this subsection, of all corporations that are members of the unitary business, and any other information as required by the department. The combined report shall be filed on a waters-edge basis under subsection (8) of this section.
- (b) The department may, by administrative regulation, require that the combined report include the income and associated apportionment factors of any corporations that are not included as provided by paragraph (a) of this subsection, but that are members of a unitary business, in order to reflect proper apportionment of income of the entire unitary businesses. Authority to require combination by administrative regulation under this paragraph includes authority to require combination of corporations that are not, or would not be combined, if the corporation were doing business in this state.
- (c) In addition, if the department determines that the reported income or loss of a taxpayer engaged in a unitary business with any corporation not included as provided by paragraph (a) of this subsection represents an avoidance or evasion of tax by the taxpayer, the department may, on a case-by-case basis, require all or any part of the income and associated apportionment factors of the corporation be included in the taxpayer's combined report.

- (d) With respect to the inclusion of associated apportionment factors as provided in paragraph (a) of this subsection, the department may require the inclusion of any one (1) or more additional factors which will fairly represent the taxpayer's business activity in this state, or the employment of any other method to effectuate a proper reflection of the total amount of income subject to apportionment and an equitable allocation and apportionment of the taxpayer's income.
  - (e) A unitary business shall consider the combined gross receipts and combined income from all sources of all members under subsection (8) of this section, including eliminating entries for transactions among the members under subsection (8)(e) of this section.
  - (f) Notwithstanding paragraphs (a) to (e) of this subsection, a consolidated return may be filed as provided in KRS 141.201 if the taxpayer makes an election according to KRS 141.201.
- (4) The use of a combined report does not disregard the separate identities of the taxpayer members of the combined group. Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to this state, which shall include, in addition to the other types of income, the taxpayer member's share of apportionable income of the combined group, where apportionable income of the combined group is calculated as a summation of the individual net incomes of all members of the combined group. A member's net income is determined by removing all but apportionable income, expense, and loss from that member's total income as provided in subsection (5) of this section.
- (5) (a) Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to this state, which shall include:
- 1. Its share of any income apportionable to this state of each of the combined groups of which it is a member, determined under subsection (6) of this section;
  - 2. Its share of any income apportionable to this state of a distinct business activity conducted within and without the state wholly by the taxpayer member, determined under KRS 141.120;
  - 3. Its income from a business conducted wholly by the taxpayer member entirely within the state;
  - 4. Its income sourced to this state from the sale or exchange of capital or assets, and from involuntary conversions, as determined under subsection (8)(g)~~(k)~~ of this section;
  - 5. Its nonapportionable income or loss allocable to this state, determined under KRS 141.120;
  - 6. Its income or loss allocated or apportioned in an earlier year, required to be taken into account as state source income during the income year, other than a net operating loss; and
  - 7. Its net operating loss carryover.
- (b) No tax credit or post-apportionment deduction earned by one (1) member of the group, but not fully used by or allowed to that member, may be used in whole or in part by another member of the group or applied in whole or in part against the total income of the combined group, ***except as provided in paragraph (c) of this subsection.***
- (c) If the taxable income computed pursuant to KRS 141.039 results in a net loss for a taxpayer member of the combined group, that taxpayer member has a Kentucky net operating loss, subject to the net operating loss limitations and carry forward provisions of KRS 141.011. No prior year net operating loss carryforward shall be available to entities that were not doing business in this state in the year in which the loss was incurred. A Kentucky net operating loss carryover incurred by a taxpayer member of a combined group shall be deducted from income or loss apportioned to this state pursuant to this section as follows:
- 1. For taxable years beginning on or after the first day of the initial taxable year for which a combined unitary tax return is required under this section, if the computation of a combined group's Kentucky net income before apportionment to this state results in a net operating loss, a taxpayer member of the group may carry over its share of the net operating loss as apportioned to this state, as calculated under this section and in accordance with KRS 141.120 or 141.121, and it shall be deductible from a taxpayer member's apportioned net income derived from the unitary business in a future tax year to the extent that the carryover and deduction is otherwise consistent with KRS 141.011;
  - 2. Where a taxpayer member of a combined group has a Kentucky net operating loss carryover derived from a loss incurred by a combined group in a tax year beginning on or after the first day

of the initial tax year for which a combined unitary tax return is required under this section, then the taxpayer member may share the net operating loss carryover with other taxpayer members of the combined group if the other taxpayer members were members of the combined group in the tax year that the loss was incurred. Any amount of net operating loss carryover that is deducted by another taxpayer member of the combined group shall reduce the amount of net operating loss carryover that may be carried over by the taxpayer member that originally incurred the loss;

3. Where a taxpayer member of a combined group has a net operating loss carryover derived from a loss incurred in a tax year prior to the initial tax year for which a combined unitary tax return is required under this section, the carryover shall remain available to be deducted by that taxpayer member and any other taxpayer members of the combined group, but in no case shall the deduction reduce any taxpayer member's Kentucky apportioned taxable income by more than fifty percent (50%) in any taxable year, other than the taxpayer member that originally incurred the net operating loss, in which case no limitation is provided except as provided by Section 172 of the Internal Revenue Code. Any net operating loss carryover that is not utilized in a particular taxable year shall be carried over by the taxpayer member that generated the loss and utilized in the future consistent with the limitations of this subparagraph; or
  4. Where a taxpayer member of a combined group has a net operating loss carryover derived from a loss incurred in a tax year during which the taxpayer member was not a taxpayer member of the combined group, the carryover shall remain available to be deducted by that taxpayer member or other taxpayer members, but in no case shall the deduction reduce any taxpayer member's Kentucky apportioned taxable income by more than fifty percent (50%) in any taxable year, other than the taxpayer member that originally incurred the net operating loss, in which case no limitation is provided except as provided by Section 172 of the Internal Revenue Code. Any net operating loss carryover that is not utilized in a particular taxable year, shall be carried over by the taxpayer member that generated the loss and utilized in the future consistent with the limitations of this subparagraph.
- (6) The taxpayer's share of the business income apportionable to this state of each combined group of which it is a member shall be the product of:
- (a) The apportionable income of the combined group, determined under subsection (7) of this section; and
  - (b) The taxpayer member's apportionment fraction, determined under KRS 141.120, including in the sales factor numerator the taxpayer's sales associated with the combined group's unitary business in this state, and including in the denominator the sales of all members of the combined group, including the taxpayer, which sales are associated with the combined group's unitary business wherever located. The sales of a pass-through entity shall be included in the determination of the partner's apportionment percentage in proportion to a ratio, the numerator of which is the amount of the partner's distributive share of the pass-through entity's unitary income included in the income of the combined group as provided in subsection (8) of this section and the denominator of which is the amount of pass-through entity's total unitary income.
- (7) The apportionable income of a combined group is determined as follows:
- (a) The total income of the combined group is the sum of the income of each member of the combined group determined under federal income tax laws, as adjusted for state purposes, as if the member were not consolidated for federal purposes; and
  - (b) From the total income of the combined group determined under subsection (8) of this section, subtract any income and add any expense or loss, other than the apportionable income, expense, or loss of the combined group.
- (8) To determine the total income of the combined group, taxpayer members shall take into account all or a portion of the income and apportionment factor of only the following members otherwise included in the combined group as provided in subsection (3) of this section:
- (a) The entire income and apportionment percentage of any member, incorporated in the United States or formed under the laws of any state, the District of Columbia, or any territory or possession of the United States, that earns less than eighty percent (80%) of its income from sources outside of the United States, the District of Columbia, or any territory or possession of the United States;

- (b) Any member that earns more than twenty percent (20%) of its income, directly or indirectly, from intangible property or service related activities that are deductible against the apportionable income of other members of the combined group, to the extent of that income and the apportionment factor related to that income. If a non-United States corporation is includible as a member in the combined group, to the extent that the non-United States corporation's income is excluded from United States taxation pursuant to the provisions of a comprehensive income tax treaty, the income or loss is not includible in the combined group's net income or loss. The member's expenses or apportionment factors attributable to income that is excluded from United States taxation pursuant to the provisions of a comprehensive income tax treaty are not to be included in the combined report;
- (c) The entire income and apportionment factor of any member that is doing business in a tax haven. If the member's business activity within a tax haven is entirely outside the scope of the laws, provisions, and practices that cause the jurisdiction to meet the definition established in subsection (2)(d) of this section, the activity of the member shall be treated as not having been conducted in a tax haven;
- (d) If a unitary business includes income from a pass-through entity, the income to be included in the total income of the combined group shall be the member of the combined group's direct and indirect distributive share of the pass-through entity's unitary income;
- (e) Income from an intercompany transaction between members of the same combined group shall be deferred in a manner similar to 26 C.F.R. 1.1502-13. Upon the occurrence of any of the following events, deferred income resulting from an intercompany transaction between members of a combined group shall be restored to the income of the seller, and shall be apportionable income earned immediately before the event:
  - 1. The object of a deferred intercompany transaction is:
    - a. Resold by the buyer to an entity that is not a member of the combined group;
    - b. Resold by the buyer to an entity that is a member of the combined group for use outside the unitary business in which the buyer and seller are engaged; or
    - c. Converted by the buyer to a use outside the unitary business in which the buyer and seller are engaged; or
  - 2. The buyer and seller are no longer members of the same combined group, regardless of whether the members remain unitary;
- (f) A charitable expense incurred by a member of a combined group shall, to the extent allowable as a deduction provided by Section 170 of the Internal Revenue Code, be subtracted first from the apportionable income of the combined group, subject to the income limitations of that section applied to the entire apportionable income of the group, and any remaining amount shall then be treated as a nonapportionable expense allocable to the member that incurred the expense, subject to the income limitations of that section applied to the nonapportionable income of that specific member. Any charitable deduction disallowed under this paragraph, but allowed as a carryover deduction in a subsequent year, shall be treated as originally incurred in the subsequent year by the same member, and this paragraph shall apply in the subsequent year in determining the allowable deduction in that year;
- (g) Gain or loss from the sale or exchange of capital assets, property described by Section 1231(a)(3) of the Internal Revenue Code, and property subject to an involuntary conversion shall be removed from the total separate net income of each member of a combined group and shall be apportioned and allocated as follows:
  - 1. For each class of gain or loss, including short-term capital, long-term capital, Internal Revenue Code Section 1231, and involuntary conversions, all members' gain and loss for the class shall be combined, without netting between the classes, and each class of net gain or loss separately apportioned to each member using the member's apportionment percentage determined under subsection (6) of this section;
  - 2. Each taxpayer member shall then net its apportioned business gain or loss for all classes, including any apportioned gain and loss from other combined groups, against the taxpayer member's nonapportionable gain and loss for all classes allocated to this state, using the rules of Sections 1231 and 1222 of the Internal Revenue Code, without regard to any of the taxpayer member's gains or losses from the sale or exchange of capital assets, Internal Revenue Code

Section 1231 property, and involuntary conversions which are nonapportionable items allocated to another state;

3. Any resulting state source income or loss, if the loss is not subject to the limitations of Section 1211 of the Internal Revenue Code, of a taxpayer member produced by the application of subparagraphs 1. and 2. of this paragraph shall then be applied to all other state source income or loss of that member; and
4. Any resulting state source loss of a member that is subject to the limitations of Section 1211 of the Internal Revenue Code shall be carried forward by that member, and shall be treated as state source short-term capital loss incurred by that member for the year for which the carryover applies; and
- (h) Any expense of one (1) member of the unitary group which is directly or indirectly attributable to the nonapportionable or exempt income of another member of the unitary group shall be allocated to that other member as corresponding nonapportionable or exempt expense, as appropriate.
- (9) (a) As a filing convenience, and without changing the respective liability of the group members, members of a combined reporting group shall annually designate one (1) taxpayer member of the combined group to file a single return in the form and manner prescribed by the department, in lieu of filing their own respective returns.
- (b) The taxpayer member designated to file the single return shall consent to act as surety with respect to the tax liability of all other taxpayers properly included in the combined report, and shall agree to act as agent on behalf of those taxpayers for the taxable year for matters relating to the combined report. If for any reason the surety is unwilling or unable to perform its responsibilities, tax liability may be assessed against the taxpayer members.

➔Section 13. KRS 141.205 is amended to read as follows:

(1) As used in this section:

- (a) "Intangible property" means franchises, patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets, and similar types of intangible assets;
- (b) "Intangible expenses" includes the following only to the extent that the amounts are allowed as deductions or costs in determining taxable net income before the application of any net operating loss deduction provided under Chapter 1 of the Internal Revenue Code:
  1. Expenses, losses, and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property;
  2. Losses related to, or incurred in connection directly or indirectly with, factoring transactions or discounting transactions;
  3. Royalty, patent, technical, and copyright fees;
  4. Licensing fees; and
  5. Other similar expenses and costs;
- (c) "Intangible interest expense" means only those amounts which are directly or indirectly allowed as deductions under Section 163 of the Internal Revenue Code for purposes of determining taxable income under that code, to the extent that the amounts are directly or indirectly for, related to, or connected to the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property;
- (d) "Management fees" includes but is not limited to expenses and costs paid for services pertaining to accounts receivable and payable, employee benefit plans, insurance, legal, payroll, data processing, purchasing, tax, financial and securities, accounting, reporting and compliance services or similar services, only to the extent that the amounts are allowed as a deduction or cost in determining taxable net income before application of the net operating loss deduction for the taxable year provided under Chapter 1 of the Internal Revenue Code;
- (e) "Affiliated group" has the same meaning as ~~provided~~ in *Section 11 of this Act* ~~[KRS 141.200]~~;

- (f) "Foreign corporation" means a corporation that is organized under the laws of a country other than the United States and that would be a related member if it were a domestic corporation;
  - (g) "Related member" means a person that, with respect to the entity during all or any portion of the taxable year, is:
    - 1. A person or entity that has, directly or indirectly, at least fifty percent (50%) of the equity ownership interest in the taxpayer, as determined under Section 318 of the Internal Revenue Code;
    - 2. A component member as defined in Section 1563(b) of the Internal Revenue Code;
    - 3. A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code; or
    - 4. A person that, notwithstanding its form of organization, bears the same relationship to the taxpayer as a person described in subparagraphs 1. to 3. of this paragraph;
  - (h) "Recipient" means a related member or foreign corporation to whom the item of income that corresponds to the intangible interest expense, the intangible expense, or the management fees, is paid;
  - (i) "Unrelated party" means a person that has no direct, indirect, beneficial or constructive ownership interest in the recipient; and in which the recipient has no direct, indirect, beneficial or constructive ownership interest;
  - (j) "Disclosure" means that the entity shall provide the following information to the Department of Revenue with its tax return regarding a related party transaction:
    - 1. The name of the recipient;
    - 2. The state or country of domicile of the recipient;
    - 3. The amount paid to the recipient; and
    - 4. A description of the nature of the payment made to the recipient;
  - (k) "Other related party transaction" means a transaction which:
    - 1. Is undertaken by an entity which was not required to file a consolidated return under **Section 11 of this Act** ~~(KRS 141.200)~~;
    - 2. Is undertaken by an entity, directly or indirectly, with one (1) or more of its stockholders, members, partners, or affiliated entities; and
    - 3. Is not within the scope of subsections (2) and (3) of this section;
  - (l) "Related party costs" means intangible expense, intangible interest expense, management fees and any costs or expenses associated with other related party transactions; and
  - (m) "Entity" means any taxpayer other than a natural person.
- (2) An entity subject to the tax imposed by this chapter shall not be allowed to deduct an intangible expense, an intangible interest expense, or a management fee directly or indirectly paid, accrued or incurred to, or in connection directly or indirectly with one (1) or more direct or indirect transactions with one (1) or more related members or with a foreign corporation as defined in subsection (1) of this section, or with an entity that would be included in the affiliated group based upon ownership interest if it were organized as a corporation.
- (3) The disallowance of deductions provided by subsection (2) of this section shall not apply if:
- (a) The entity and the recipient are both included in the same consolidated Kentucky corporation income tax return for the relevant taxable year; or
  - (b) The entity makes a disclosure, and establishes by a preponderance of the evidence that:
    - 1. The payment made to the recipient was subject to, in its state or country of commercial domicile, a net income tax, or a franchise tax measured by, in whole or in part, net income. If the recipient is a foreign corporation, the foreign nation shall have in force a comprehensive income tax treaty with the United States; and
    - 2. The recipient is engaged in substantial business activities separate and apart from the acquisition, use, licensing, management, ownership, sale, exchange, or any other disposition of intangible

property, or in the financing of related members, as evidenced by the maintenance of permanent office space and full-time employees dedicated to the maintenance and protection of intangible property; and

3. The transaction giving rise to the intangible interest expense, intangible expense, or management fees between the entity and the recipient was made at a commercially reasonable rate and at terms comparable to an arm's-length transaction; or
  - (c) The entity makes a disclosure, and establishes by preponderance of the evidence that the recipient regularly engages in transactions with one (1) or more unrelated parties on terms identical to that of the subject transaction; or
  - (d) The entity and the Department of Revenue agree in writing to the application or use of an alternative method of apportionment under KRS 141.120.
- (4) An entity subject to the tax imposed by this chapter may deduct expenses or costs associated with an other related party transaction only in an amount equal to the amount which would have resulted if the other related party transaction had been carried out at arm's length. In any dispute between the department and the entity with respect to the amount which would have resulted if the transaction had been carried out at arm's length, the entity shall bear the burden of establishing the amount by a preponderance of the evidence.
  - (5) Nothing in this section shall be deemed to prohibit an entity from deducting a related party cost in an amount permitted by this section, provided that the entity has incurred related party costs equal to or greater than the amounts permitted by this section.
  - (6) If it is determined by the department that the amount of a deduction claimed by an entity with respect to a related party cost is greater than the amount permitted by this section, the net income of the entity shall be adjusted to reflect the amount of the related party cost permitted by this section.
  - (7) For tax periods ending before January 1, 2005, in the case of entities not required to file a consolidated or combined return under subsection (1) of this section that carried on transactions with stockholders or affiliated entities directly or indirectly, the department shall adjust the net income of such entities to an amount that would result if such transactions were carried on at arm's length.

➔Section 14. KRS 141.206 is amended to read as follows:

- (1) Every pass-through entity doing business in this state shall, on or before the fifteenth day of the fourth month following the close of its annual accounting period, file a copy of its federal tax return with the form prescribed and furnished by the department.
- (2) (a) Pass-through entities shall ~~calculate~~~~determine~~ net income in the same manner as in the case of an individual under KRS ~~141.019~~~~141.010~~ and the adjustment required under Sections 703(a) and 1363(b) of the Internal Revenue Code.
- (b) Computation of net income under this section and the computation of the partner's, member's, or shareholder's distributive share shall be computed as nearly as practicable identical with those required for federal income tax purposes except to the extent required by differences between this chapter and the federal income tax law and regulations.
- (3) Individuals, estates, trusts, or corporations doing business in this state as a partner, member, or shareholder in a pass-through entity shall be liable for income tax only in their individual, fiduciary, or corporate capacities, and no income tax shall be assessed against the net income of any pass-through entity, except as required:
  - (a) For S corporations ~~under~~~~by~~ KRS 141.040; and
  - (b) *For a partnership level audit under Section 57 of this Act.*
- (4) (a) Every pass-through entity required to file a return under subsection (1) of this section, except publicly traded partnerships as described in KRS 141.0401(6)(a)18. and (b)14., shall withhold Kentucky income tax on the distributive share, whether distributed or undistributed, of each:
  1. Nonresident individual partner, member, or shareholder; and
  2. Corporate partner or member that is doing business in Kentucky only through its ownership interest in a pass-through entity.
- (b) Withholding shall be at the maximum rate provided in KRS 141.020 or 141.040.

- (5) (a) Effective for taxable years beginning after December 31, 2018, every pass-through entity required to withhold Kentucky income tax as provided by subsection (4) of this section shall pay estimated tax for the taxable year if:
  - 1. For a nonresident individual partner, member, or shareholder, the estimated tax liability can reasonably be expected to exceed five hundred dollars (\$500); or
  - 2. For a corporate partner or member that is doing business in Kentucky only through its ownership interest in a pass-through entity, the estimated tax liability can reasonably be expected to exceed five thousand dollars (\$5,000).
- (b) The payment of estimated tax shall contain the information and shall be filed as provided in KRS 141.207.
- (6) (a) If a pass-through entity demonstrates to the department that a partner, member, or shareholder has filed an appropriate tax return for the prior year with the department, then the pass-through entity shall not be required to withhold on that partner, member, or shareholder for the current year unless the exemption from withholding has been revoked pursuant to paragraph (b) of this subsection.
- (b)
  - 1. An exemption from withholding shall be considered revoked if the partner, member, or shareholder does not file and pay all taxes due in a timely manner.
  - 2. An exemption so revoked shall be reinstated only with permission of the department.
  - 3. If a partner, member, or shareholder who has been exempted from withholding does not file a return or pay the tax due, the department may require the pass-through entity to pay to the department the amount that should have been withheld, up to the amount of the partner's, member's, or shareholder's ownership interest in the entity.
  - 4. The pass-through entity shall be entitled to recover a payment made pursuant to this paragraph from the partner, member, or shareholder on whose behalf the payment was made.
- (7) In determining the tax under this chapter, a resident individual, estate, or trust that is a partner, member, or shareholder in a pass-through entity shall take into account the partner's, member's, or shareholder's total distributive share of the pass-through entity's items of income, loss, deduction, and credit.
- (8) In determining the tax under this chapter, a nonresident individual, estate, or trust that is a partner, member, or shareholder in a pass-through entity required to file a return under subsection (1) of this section shall take into account:
  - (a)
    - 1. If the pass-through entity is doing business only in this state, the partner's, member's, or shareholder's total distributive share of the pass-through entity's items of income, loss, and deduction; or
    - 2. If the pass-through entity is doing business both within and without this state, the partner's, member's, or shareholder's distributive share of the pass-through entity's items of income, loss, and deduction multiplied by the apportionment fraction of the pass-through entity as prescribed in subsection (11) of this section; and
  - (b) The partner's, member's, or shareholder's total distributive share of credits of the pass-through entity.
- (9) A corporation that is subject to tax under KRS 141.040 and is a partner or member in a pass-through entity shall take into account the corporation's distributive share of the pass-through entity's items of income, loss, and deduction and:
  - (a)
    - 1. For taxable years beginning on or after January 1, 2007, but prior to January 1, 2018, shall include the proportionate share of the sales, property, and payroll of the limited liability pass-through entity or general partnership in computing its own apportionment factor; and
    - 2. For taxable years beginning on or after January 1, 2018, shall include the proportionate share of the sales of the limited liability pass-through entity or general partnership in computing its own apportionment factor; and
  - (b) Credits from the partnership.
- (10) (a) If a pass-through entity is doing business both within and without this state, the pass-through entity shall compute and furnish to each partner, member, or shareholder the numerator and denominator of each factor of the apportionment fraction determined in accordance with subsection (11) of this section.



- (b) For purposes of determining an apportionment fraction under paragraph (a) of this subsection, if the pass-through entity is:
    - 1. Doing business both within and without this state; and
    - 2. A partner or member in another pass-through entity;then the pass-through entity shall be deemed to own the pro rata share of the property owned or leased by the other pass-through entity, and shall also include its pro rata share of the other pass-through entity's payroll and sales.
  - (c) The phrases "a partner or member in another pass-through entity" and "doing business both within and without this state" shall extend to each level of multiple-tiered pass-through entities.
  - (d) The attribution to the pass-through entity of the pro rata share of property, payroll and sales from its role as a partner or member in another pass-through entity will also apply when determining the pass-through entity's ultimate apportionment factor for property, payroll and sales as required under subsection (11) of this section.
- (11) (a) For taxable years beginning prior to January 1, 2018, a pass-through entity doing business within and without the state shall compute an apportionment fraction, the numerator of which is the property factor, representing twenty-five percent (25%) of the fraction, plus the payroll factor, representing twenty-five percent (25%) of the fraction, plus the sales factor, representing fifty percent (50%) of the fraction, with each factor determined in the same manner as provided in KRS 141.901, and the denominator of which is four (4), reduced by the number of factors, if any, having no denominator, provided that if the sales factor has no denominator, then the denominator shall be reduced by two (2).
- (b) For taxable years beginning on or after January 1, 2018, a pass-through entity doing business within and without the state shall compute an apportionment fraction as provided in KRS 141.120.
- (12) Resident individuals, estates, or trusts that are partners in a partnership, members of a limited liability company electing partnership tax treatment for federal income tax purposes, owners of single member limited liability companies, or shareholders in an S corporation which does not do business in this state are subject to tax under KRS 141.020 on federal net income, gain, deduction, or loss passed through the partnership, limited liability company, or S corporation.
- (13) An S corporation election made in accordance with Section 1362 of the Internal Revenue Code for federal tax purposes is a binding election for Kentucky tax purposes.
- (14) (a) Nonresident individuals shall not be taxable on investment income distributed by a qualified investment partnership. For purposes of this subsection, a "qualified investment partnership" means a pass-through entity that, during the taxable year, holds only investments that produce income that would not be taxable to a nonresident individual if held or owned individually.
- (b) A qualified investment partnership shall be subject to all other provisions relating to a pass-through entity under this section and shall not be subject to the tax imposed under KRS 141.040 or 141.0401.
- (15) (a) 1. A pass-through entity may file a composite income tax return on behalf of electing nonresident individual partners, members, or shareholders.
2. The pass-through entity shall report and pay on the composite income tax return income tax at the highest marginal rate provided in this chapter on any portion of the partners', members', or shareholders' pro rata or distributive shares of income of the pass-through entity from doing business in this state or deriving income from sources within this state. Payments made pursuant to subsection (5) of this section shall be credited against any tax due.
3. The pass-through entity filing a composite return shall still make estimated tax payments if required to do so by subsection (5) of this section, and shall remain subject to any penalty under KRS 141.044 and 141.305 for any underpayment of estimated tax determined under KRS 141.044 or 141.305.
4. The partners', members', or shareholders' pro rata or distributive share of income shall include all items of income or deduction used to compute adjusted gross income on the Kentucky return that is passed through to the partner, member, or shareholder by the pass-through entity, including but not limited to interest, dividend, capital gains and losses, guaranteed payments, and rents.

- (b) A nonresident individual partner, member, or shareholder whose only source of income within this state is distributive share income from one (1) or more pass-through entities may elect to be included in a composite return filed pursuant to this section.
- (c) A nonresident individual partner, member, or shareholder that has been included in a composite return may file an individual income tax return and shall receive credit for tax paid on the partner's behalf by the pass-through entity.
- (d) A pass-through entity shall deliver to the department a return upon a form prescribed by the department showing the total amounts paid or credited to its electing nonresident individual partners, members, or shareholders, the amount paid in accordance with this subsection, and any other information the department may require. A pass-through entity shall furnish to its nonresident partner, member, or shareholder annually, but not later than the fifteenth day of the fourth month after the end of its taxable year, a record of the amount of tax paid on behalf of the partner, member, or shareholder on a form prescribed by the department.

➔Section 15. KRS 141.383 is amended to read as follows:

- (1) As used in this section:
  - (a) "Above-the-line production crew" means the same as defined in KRS 148.542;
  - (b) "Approved company" means the same as defined in KRS 148.542;
  - (c) "Below-the-line production crew" means the same as defined in KRS 148.542;
  - (d) "Cabinet" means the same as defined in KRS 148.542;
  - (e) "Office" means the same as defined in KRS 148.542;
  - (f) "Qualifying expenditure" means the same as defined in KRS 148.542;
  - (g) "Qualifying payroll expenditure" means the same as defined in KRS 148.542;
  - (h) "Secretary" means the same as defined in KRS 148.542; and
  - (i) "Tax incentive agreement" means the same as defined in KRS 148.542.
- (2)
  - (a) There is hereby created a tax credit against the tax imposed under KRS 141.020 or 141.040 and 141.0401, with the ordering of credits as provided in KRS 141.0205.
  - (b) The incentive available under paragraph (a) of this section is:
    - 1. A refundable credit for applications approved prior to April 27, 2018; and
    - 2. A nonrefundable and nontransferable credit for applications approved on or after April 27, 2018.
  - (c)
    - 1. Beginning on April 27, 2018, the total tax incentive approved under KRS 148.544 shall be limited to one hundred million dollars (\$100,000,000) for calendar year 2018 and each calendar year thereafter.
    - 2. On April 27, 2018, if applications have been approved during the 2018 calendar year which exceed the amount in **subparagraph 1. of this** paragraph ~~(a) of this subsection~~, the Kentucky Film Office shall immediately cease in approving any further applications for tax incentives.
- (3) An approved company may receive a refundable tax credit on and after July 1, 2010, but only for applications approved prior to April 27, 2018, if:
  - (a) The cabinet has received notification from the office that the approved company has satisfied all requirements of KRS 148.542 to 148.546; and
  - (b) The approved company has provided a detailed cost report and sufficient documentation to the office, which has been forwarded by the office to the cabinet, that:
    - 1. The purchases of qualifying expenditures were made after the execution of the tax incentive agreement; and
    - 2. The approved company has withheld income tax as required by KRS 141.310 on all qualified payroll expenditures.
- (4) Interest shall not be allowed or paid on any refundable credits provided under this section.

- (5) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer this section.
- (6) On or before September 1, 2010, and on or before each September 1 thereafter, for the immediately preceding fiscal year, the cabinet shall report to the office the names of the approved companies and the amounts of refundable income tax credit claimed.

➔Section 16. KRS 141.900 is amended to read as follows:

The definitions in this section are the same as the definitions appearing in KRS 141.010 prior to its repeal and reenactment in Section 53 of 2018 Ky. Acts chs. 171 and 207. For taxable years beginning prior to January 1, 2018, as used in this chapter, unless the context requires otherwise:

- (1) "Commissioner" means the commissioner of the department;
- (2) "Department" means the Department of Revenue;
- (3) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 2015, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2015, 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, 61.523, 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 as it existed prior to January 1, 2018;
  - (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;
  - ~~(f)(g)~~ Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;
  - ~~(g)(h)~~ Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);
  - ~~(h)(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;
  - ~~(i)(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;
  - ~~(j)(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;
  - ~~(k)(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;

~~(l)(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

~~(m)(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 as it existed prior to January 1, 2018;
- (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 141.901. 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 (0);
  - (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 17. KRS 141.985 is amended to read as follows:

- (1) Except for the addition to tax required when an underpayment of estimated tax occurs under KRS 141.044 and 141.305, any tax imposed by this chapter, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the tax interest rate as defined in KRS 131.010(6) from the date prescribed for its payment until payment is actually made to the department.
- (2) Interest shall be assessed, collected, and paid in the same manner as if it were a deficiency.
- (3) *For purposes of this section, any addition to tax provided in Section 9 of this Act and KRS 141.305 shall be considered a penalty.*

➔Section 18. KRS 154.60-040 is amended to read as follows:

- (1) *As used in this section:*

(a) 1. *"Agricultural assets" means:*

- a. *Agricultural land which has been appraised by an individual certified by the Real Estate Appraisers Board created under KRS 324A.015; and*
- b. *Buildings, facilities, machinery, equipment, agricultural products, or horticultural products, if:*
  - i. *Owned by the same selling farmer owning the agricultural land sold to a beginning farmer;*
  - ii. *Purchased at the same time and in the same transaction with the agricultural land; and*
  - iii. *Purchased with the intent to be used on the purchased agricultural land.*

2. *"Agricultural assets" does not mean:*

- a. *A personal residence or any other residential structures; and*
- b. *Any agricultural assets that have been previously included in an approved application for the Kentucky selling farmer tax credit;*

(b) *"Agricultural land" means:*

- 1. *Any land located entirely in Kentucky that is zoned or permitted for farming, if the jurisdiction where the land is located has enacted an ordinance for zoning or permitting; and*
  - 2.
    - a. *Is a tract of land of at least ten (10) contiguous acres in area for a farming operation for agricultural products; or*
    - b. *Is a tract of land of at least five (5) contiguous acres in area for a farming operation for aquaculture or horticultural products;*
- owned by the selling farmer prior to the sale;*

(c) *"Agricultural products" means:*

- 1. *Livestock or livestock products;*
- 2. *Poultry or poultry products;*
- 3. *Milk or milk products; or*

4. *Field crops and other crops, including timber if approved by the authority;*
- (d) *"Aquaculture" means the farming of fish, crustaceans, mollusks, aquatic plants, algae, or other similar organisms;*
- (e) *"Farm product" means aquaculture, agricultural products, or horticultural products;*
- (f)
  1. *"Farming operation" means the management and operation of agricultural assets for the purpose of pursuing a profitable commercial business venture to produce agricultural products, horticultural products, or both for sale.*
  2. *"Farming operation" does not mean any:*
    - a. *Hobby farm, as determined by the Internal Revenue Service;*
    - b. *Nonprofit venture;*
    - c. *Farm used primarily for storing agricultural products or horticultural products; or*
    - d. *Farm used to grow or raise agricultural products or horticultural products primarily for use by the immediate family members or owners of the agricultural assets;*
- (g) *"Horticultural products" means orchards, fruits, vegetables, nuts, flowers, or ornamental plants; and*
- (h) *"Immediate family member" means any of the following in relation to any owner or spouse of the owner of the agricultural assets:*
  1. *Parent or grandparent;*
  2. *Children or their spouses; or*
  3. *Siblings or their spouses.*
- (2) *Any incentive offered to an eligible company under the selling farmer tax credit program shall be negotiated by Cabinet for Economic Development officials and shall be subject to approval by the authority.*
- (3) *The purpose of the selling farmer tax credit program is to promote the continued use of agricultural land in Kentucky for farming purposes by granting a tax credit to a selling farmer who agrees to sell agricultural assets to a beginning farmer.*
- (4) *Selling farmers wanting to sell agricultural assets may be eligible for a tax credit up to five percent (5%) of the selling price of qualifying agricultural assets, subject to:*
  - (a) *A twenty-five thousand dollar (\$25,000) cap for each taxable year of the selling farmer;*
  - (b) *A one hundred thousand dollar (\$100,000) lifetime cap for each selling farmer; and*
  - (c) *A proration by the authority based on the overall cap shared between the small business tax credit program and the selling farmer tax credit program cap of three million dollars (\$3,000,000) under KRS 154.60-020.*
- (5) *The tax credit allowed in subsection (4) of this section may be claimed under Section 19 of this Act.*
- (6) *In order to be eligible to receive approval for a tax credit, a selling farmer shall ~~have~~, at a minimum:*
  - (a)
    1.
      - a. *Be registered with the Kentucky Secretary of State; and*
      - b. *Be in good standing with the Kentucky Secretary of State; or*
    2. *If not required to be registered with the Kentucky Secretary of State, be a resident of Kentucky;*
  - (b) *Prior to a sale of agricultural assets, be a small business with fifty (50) or fewer full-time employees and be the sole legal owner of agricultural assets sold to a beginning farmer;*
  - (c) *Not be a farm equipment dealer, livestock dealer, or similar entity primarily engaged in the business of selling agricultural assets for profit and not engaged in farming as a primary business activity;*
  - (d) *Not be a bank or any other similar lending or financial institution;*
  - (e) *Not be:*

1. *An owner, partner, member, shareholder, or trustee;*
  2. *A spouse of an owner, partner, member, shareholder, or trustee;*
  3. *An immediate family member of any of the owners, partners, members, shareholders, or trustees;*
- of the beginning farmer to whom the selling farmer is seeking to sell agricultural assets;*
- (f) 1. *Demonstrate*~~[Demonstrated the active use,]~~ management~~[,]~~ and operation of real and personal property for the production of a farm product;
  2. *Execute*~~[Executed]~~ and *effectuate*~~[effectuated]~~ a purchase contract to sell agricultural land with a beginning farmer for an amount evidenced by an appraisal; and
  - (g)~~[(b)]~~ *Sell, convey, and transfer*~~[Sold, conveyed, and transferred]~~ ownership of related agricultural~~[land and]~~ assets to a beginning farmer.
- (7) *In order for the selling farmer to qualify for the tax credit, a beginning farmer shall, at a minimum:*
- (a) 1. a. *Be registered with the Kentucky Secretary of State; and*  
b. *Be in good standing with the Kentucky Secretary of State; or*
  2. *If not required to be registered with the Kentucky Secretary of State, be a resident of Kentucky;*
  - (b) *Possess all licenses, registrations, and experience needed to legally operate a farming operation within the jurisdiction for the agricultural land purchased from a selling farmer;*
  - (c) *Not previously have held an ownership interest in agricultural land used for a farming operation for a period exceeding ten (10) years prior to entering into an agreement to purchase agricultural assets from a selling farmer;*
  - (d) *Not have an ownership interest in any of the agricultural assets included in the transaction with the selling farmer; and*
  - (e) *Provide a majority of the management, and materially participate in the operation of a for-profit farming operation located in Kentucky and purchased from a selling farmer, with the intent to continue a for-profit farming operation on the purchased agricultural land for a minimum of five (5) years after the sale date.*
- (8)~~[(2)]~~ The selling farmer shall submit an application after consummation of the sale, transfer of title, and conveyance of **agricultural**~~[a farm and farming]~~ assets together with all information necessary for the authority to determine eligibility for the tax credit.
- (9)~~[(3)]~~ An application for the *selling farmer* ~~[farmer small business]~~ tax credit shall contain, at a minimum, information about the:
- (a) Selling farmer and purchasing beginning farmer eligibility;
  - (b) Purchase contract and closing statement;
  - (c) Documentation, such as a deed, title conveyance for the transfer of assets, including verification of Kentucky residency; and
  - (d) Any other information the authority may require to determine eligibility for the credit.
- (10) *For each approved application, the authority shall transmit to the Department of Revenue sufficient information about the selling farmer to ensure compliance with this section and Section 19 of this Act, including the amount of approved tax credit allowed to the selling farmer.*
- (11)~~[(4)]~~ ~~(a) The maximum amount of the farmer small business tax credit for an approved selling farmer in each calendar year shall not exceed twenty five thousand dollars (\$25,000) and shall be prorated based on factors determined by the authority.~~
- ~~(b) The maximum amount of credit an individual may claim over a lifetime shall not exceed one hundred thousand dollars (\$100,000).~~
- ~~(c) The credit shall be claimed on the tax return for the year during which the credit was approved. Unused credits may be carried forward for up to five (5) years.~~

~~(5)~~ Beginning January 1, 2020, the authority may approve **selling farmer** ~~[farmer-small business]~~ tax credits~~[for selling farmers]~~.

➔SECTION 19. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

- (1) *The selling farmers tax credit permitted by Section 18 of this Act:*
  - (a) *Shall be nonrefundable and nontransferable; and*
  - (b) *May be claimed against the taxes imposed in KRS 141.020 or 141.040 and 141.0401, with the ordering of the credit as provided in Section 20 of this Act.*
- (2) (a) *The maximum amount of credit that may be claimed by a selling farmer in each taxable year is limited to:*
  1. *No more than the total amount of credit approved by the Kentucky Economic Development Finance Authority;*
  2. *Twenty-five thousand dollars (\$25,000) in any taxable year; and*
  3. *No more than one hundred thousand dollars (\$100,000) total tax credit over the lifetime of the selling farmer.*
  - (b) *The credit shall be first claimed on the tax return for the taxable year during which the credit was approved.*
  - (c) *Any unused credit in a taxable year may be carried forward for up to five (5) taxable years and, if not utilized within the five (5) year period, shall be lost.*
- (3) *In order for the General Assembly to evaluate the fulfillment of the purpose stated in Section 18 of this Act, the department shall provide the following information, on a cumulative basis, for each selling farmer, for each taxable year:*
  - (a) *The location, by county, of the agricultural assets sold to a beginning farmer and approved for a tax credit under Section 18 of this Act;*
  - (b) *The total amount of tax credit approved by the Kentucky Economic Development Finance Authority for each selling farmer;*
  - (c) *The amount of tax credit claimed for each selling farmer in each taxable year; and*
  - (d)
    1. *In the case of all taxpayers other than corporations, based on ranges of adjusted gross income of no larger than five thousand dollars (\$5,000) for the taxable year, the total amount of tax credits claimed and the number of returns claiming a tax credit for each adjusted gross income range; and*
    2. *In the case of all corporations, based on ranges of net income no larger than fifty thousand dollars (\$50,000) for the taxable year, the total amount of tax credit claimed and the number of returns claiming a tax credit for each net income range.*
- (4) *The report required by subsection (3) of this section shall be submitted to the Interim Joint Committee on Appropriations and Revenue beginning no later than November 1, 2021, and no later than each November 1 thereafter, as long as the credit is claimed on any return processed by the department.*

➔Section 20. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of the credits shall be determined as follows:

- (1) The nonrefundable business incentive credits against the tax imposed by KRS 141.020 shall be taken in the following order:
  - (a) The limited liability entity tax credit permitted by KRS 141.0401;
  - (b) The economic development credits computed under KRS 141.347, 141.381, 141.384, **Section 19 of this Act**, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;
  - (c) The qualified farming operation credit permitted by KRS 141.412;
  - (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);

- (e) The health insurance credit permitted by KRS 141.062;
  - (f) The tax paid to other states credit permitted by KRS 141.070;
  - (g) The credit for hiring the unemployed permitted by KRS 141.065;
  - (h) The recycling or composting equipment credit permitted by KRS 141.390;
  - (i) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
  - (j) The research facilities credit permitted by KRS 141.395;
  - (k) The employer High School Equivalency Diploma program incentive credit permitted under KRS 151B.402;
  - (l) The voluntary environmental remediation credit permitted by KRS 141.418;
  - (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
  - (n) The clean coal incentive credit permitted by KRS 141.428;
  - (o) The ethanol credit permitted by KRS 141.4242;
  - (p) The cellulosic ethanol credit permitted by KRS 141.4244;
  - (q) The energy efficiency credits permitted by KRS 141.436;
  - (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
  - (s) The Endow Kentucky credit permitted by KRS 141.438;
  - (t) The New Markets Development Program credit permitted by KRS 141.434;
  - (u) The distilled spirits credit permitted by KRS 141.389;
  - (v) The angel investor credit permitted by KRS 141.396;
  - (w) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018;~~and~~
  - (x) The inventory credit permitted by KRS 141.408; *and*
  - (y) ***The renewable chemical production credit permitted by Section 25 of this Act.***
- (2) After the application of the nonrefundable credits in subsection (1) of this section, the nonrefundable personal tax credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual credits permitted by KRS 141.020(3);
  - (b) The credit permitted by KRS 141.066;
  - (c) The tuition credit permitted by KRS 141.069;
  - (d) The household and dependent care credit permitted by KRS 141.067; and
  - (e) The income gap credit permitted by KRS 141.066.
- (3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual withholding tax credit permitted by KRS 141.350;
  - (b) The individual estimated tax payment credit permitted by KRS 141.305;
  - (c) The certified rehabilitation credit permitted by KRS 171.3961 and 171.397(1)(b); and
  - (d) The film industry tax credit permitted by KRS 141.383 for applications approved prior to April 27, 2018.
- (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the tax imposed by KRS 141.040.

- (5) The following nonrefundable credits shall be applied against the sum of the tax imposed by KRS 141.040 after subtracting the credit provided for in subsection (4) of this section, and the tax imposed by KRS 141.0401 in the following order:
- (a) The economic development credits computed under KRS 141.347, 141.381, 141.384, *Section 19 of this Act*, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;
  - (b) The qualified farming operation credit permitted by KRS 141.412;
  - (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
  - (d) The health insurance credit permitted by KRS 141.062;
  - (e) The unemployment credit permitted by KRS 141.065;
  - (f) The recycling or composting equipment credit permitted by KRS 141.390;
  - (g) The coal conversion credit permitted by KRS 141.041;
  - (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods ending prior to January 1, 2008;
  - (i) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
  - (j) The research facilities credit permitted by KRS 141.395;
  - (k) The employer High School Equivalency Diploma program incentive credit permitted by KRS 151B.402;
  - (l) The voluntary environmental remediation credit permitted by KRS 141.418;
  - (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
  - (n) The clean coal incentive credit permitted by KRS 141.428;
  - (o) The ethanol credit permitted by KRS 141.4242;
  - (p) The cellulosic ethanol credit permitted by KRS 141.4244;
  - (q) The energy efficiency credits permitted by KRS 141.436;
  - (r) The ENERGY STAR home or ENERGY STAR manufactured home credit permitted by KRS 141.437;
  - (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
  - (t) The railroad expansion credit permitted by KRS 141.386;
  - (u) The Endow Kentucky credit permitted by KRS 141.438;
  - (v) The New Markets Development Program credit permitted by KRS 141.434;
  - (w) The distilled spirits credit permitted by KRS 141.389;
  - (x) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018;~~and~~
  - (y) The inventory credit permitted by KRS 141.408; *and*
  - (z) *The renewable chemical production credit permitted by Section 25 of this Act.*
- (6) After the application of the nonrefundable credits in subsection (5) of this section, the refundable credits shall be taken in the following order:
- (a) The corporation estimated tax payment credit permitted by KRS 141.044;
  - (b) The certified rehabilitation credit permitted by KRS 171.3961 and 171.397(1)(b); and
  - (c) The film industry tax credit permitted by KRS 141.383 for applications approved prior to April 27, 2018.

➔Section 21. KRS 131.190 is amended to read as follows:

- (1) No present or former commissioner or employee of the department, present or former member of a county board of assessment appeals, present or former property valuation administrator or employee, present or former secretary or employee of the Finance and Administration Cabinet, former secretary or employee of the Revenue Cabinet, or any other person, shall intentionally and without authorization inspect or divulge any information acquired by him of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the department or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business.
- (2) The prohibition established by subsection (1) of this section shall not extend to:
  - (a) Information required in prosecutions for making false reports or returns of property for taxation, or any other infraction of the tax laws;
  - (b) Any matter properly entered upon any assessment record, or in any way made a matter of public record;
  - (c) Furnishing any taxpayer or his properly authorized agent with information respecting his own return;
  - (d) Testimony provided by the commissioner or any employee of the department in any court, or the introduction as evidence of returns or reports filed with the department, in an action for violation of state or federal tax laws or in any action challenging state or federal tax laws;
  - (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or energy resources assessed under KRS 132.820, or owners of surface land under which the unmined minerals lie, factual information about the owner's property derived from third-party returns filed for that owner's property, under the provisions of KRS 132.820, that is used to determine the owner's assessment. This information shall be provided to the owner on a confidential basis, and the owner shall be subject to the penalties provided in KRS 131.990(2). The third-party filer shall be given prior notice of any disclosure of information to the owner that was provided by the third-party filer;
  - (f) Providing to a third-party purchaser pursuant to an order entered in a foreclosure action filed in a court of competent jurisdiction, factual information related to the owner or lessee of coal, oil, gas reserves, or any other mineral resources assessed under KRS 132.820. The department may promulgate an administrative regulation establishing a fee schedule for the provision of the information described in this paragraph. Any fee imposed shall not exceed the greater of the actual cost of providing the information or ten dollars (\$10);
  - (g) Providing information to a licensing agency, the Transportation Cabinet, or the Kentucky Supreme Court under KRS 131.1817;
  - (h) Statistics of gasoline and special fuels gallonage reported to the department under KRS 138.210 to 138.448;
  - (i) Providing any utility gross receipts license tax return information that is necessary to administer the provisions of KRS 160.613 to 160.617 to applicable school districts on a confidential basis;
  - (j) Providing documents, data, or other information to a third party pursuant to an order issued by a court of competent jurisdiction; or
  - (k) Providing information to the Legislative Research Commission under:
    1. KRS 139.519 for purposes of the sales and use tax refund on building materials used for disaster recovery;
    2. KRS 141.436 for purposes of the energy efficiency products credits;
    3. KRS 141.437 for purposes of the ENERGY STAR home and the ENERGY STAR manufactured home credits;
    4. KRS 148.544 for purposes of the film industry incentives;
    5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization tax credits and the job assessment fees;
    6. KRS 141.068 for purposes of the Kentucky investment fund;
    7. KRS 141.396 for purposes of the angel investor tax credit;
    8. KRS 141.389 for purposes of the distilled spirits credit;



- 9. KRS 141.408 for purposes of the inventory credit;~~and~~
  - 10. KRS 141.390 for purposes of the recycling and composting credit;
  - 11. Section 19 of this Act for purposes of the selling farmer tax credit; and**
  - 12. Section 25 of this Act for purposes of the renewable chemical production credit.**
- (3) The commissioner shall make available any information for official use only and on a confidential basis to the proper officer, agency, board or commission of this state, any Kentucky county, any Kentucky city, any other state, or the federal government, under reciprocal agreements whereby the department shall receive similar or useful information in return.
  - (4) Access to and inspection of information received from the Internal Revenue Service is for department use only, and is restricted to tax administration purposes. Information received from the Internal Revenue Service shall not be made available to any other agency of state government, or any county, city, or other state, and shall not be inspected intentionally and without authorization by any present secretary or employee of the Finance and Administration Cabinet, commissioner or employee of the department, or any other person.
  - (5) Statistics of crude oil as reported to the Department of Revenue under the crude oil excise tax requirements of KRS Chapter 137 and statistics of natural gas production as reported to the Department of Revenue under the natural resources severance tax requirements of KRS Chapter 143A may be made public by the department by release to the Energy and Environment Cabinet, Department for Natural Resources.
  - (6) Notwithstanding any provision of law to the contrary, beginning with mine-map submissions for the 1989 tax year, the department may make public or divulge only those portions of mine maps submitted by taxpayers to the department pursuant to KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-out parcel areas. These electronic maps shall not be relied upon to determine actual boundaries of mined-out parcel areas. Property boundaries contained in mine maps required under KRS Chapters 350 and 352 shall not be construed to constitute land surveying or boundary surveys as defined by KRS 322.010 and any administrative regulations promulgated thereto.

➔Section 22. KRS 154.60-005 is amended to read as follows:

This subchapter shall be known as the small business tax credit **and selling farmer tax credit programs**~~program~~.

➔Section 23. KRS 154.60-020 is amended to read as follows:

- (1) The authority shall develop a Small Business Development Credit Program in consultation with the Office of Entrepreneurship to assist new or existing small businesses operating in the Commonwealth. The nonrefundable credit shall be allowed against the taxes imposed by KRS 141.020 or 141.040, and 141.0401. The ordering of credits shall be as provided in KRS 141.0205.
- (2) The authority shall determine the terms, conditions, and requirements for application for the credit, in consultation with the Office of Entrepreneurship, subject to the provisions of subsection (3) of this section. The application shall contain identification information about the number of eligible positions created and filled, a calculation of the base employment of the small business, verification of investment of five thousand dollars (\$5,000) or more in qualifying equipment or technology, and other information the authority may specify to determine eligibility for the credit.
- (3)
  - (a) The maximum amount of credits that may be committed in each fiscal year by the authority and shared between the small business tax credit program and the **selling farmer** ~~farmer small business~~ tax credit **program** shall be capped at three million dollars (\$3,000,000).
  - (b) In order to be eligible to receive final approval for a credit, a small business shall, within the twenty-four (24) month period immediately preceding the application submission date:
    - 1. Create and fill one (1) or more eligible positions over the base employment; and
    - 2. Invest five thousand dollars (\$5,000) or more in qualifying equipment or technology.
  - (c) Each eligible position that is created and filled shall be maintained for twelve (12) months. If a full-time employee filling a newly created eligible position ceases to be employed by the small business for any reason, that employee shall be replaced within forty-five (45) days in order for the eligible position to maintain its eligible status, in addition to meeting all other applicable requirements.
  - (d) The small business shall submit all information necessary for the authority to determine credit eligibility for each year, and the amount of credit for which the small business is eligible.

- (e) The maximum amount of credit for each small business for each year shall not exceed twenty-five thousand dollars (\$25,000).
- (f) The credit shall be claimed on the tax return for the year during which the credit was approved. Unused credits may be carried forward for up to five (5) years.

➔SECTION 24. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO READ AS FOLLOWS:

- (1)
  - (a) *The department shall create and administer the renewable chemical production program by promulgating administrative regulations under KRS Chapter 13A and authorizing tax credits for that production.*
  - (b) *The department may consult with the chemical engineering departments of any university to create and administer the renewable chemical production program that may best serve this Commonwealth.*
  - (c) *The department shall coordinate with the Department of Revenue related to awarding tax credits while remaining within the annual biodiesel, renewable diesel, and renewable chemical tax credit cap provided in Section 26 of this Act.*
- (2) *To be eligible for receiving the renewable chemical production tax credit under Section 25 of this Act, a business shall:*
  - (a) *Be physically located in this state;*
  - (b) *Operate for profit;*
  - (c) *Organize, expand, or locate in this state on or after July 1, 2020;*
  - (d)
    - 1. *Create new jobs and retain those jobs for at least four (4) years; or*
    - 2. *Invest a substantial amount of new capital in the Commonwealth and maintain that capital for at least four (4) years;*
  - (e) *Certify to the department:*
    - 1. *That the business:*
      - a. *Has not applied for and will not receive economic development incentives under KRS Chapter 154 for the jobs created or capital investment made under the renewable chemical production program; and*
      - b. *Is in compliance with all agreements entered into under the renewable chemical production program or other programs administered by the department; and*
    - 2. *The date that the business first qualified as an eligible business;*
  - (f) *Not provide professional services, health care services, medical treatments, or engage in retail operations; and*
  - (g) *Not relocate operations from another area of the state or reduce operations in another area of the state while seeking this incentive. To determine whether a project meets the requirement under this paragraph, the department shall:*
    - 1. *Consider a project that does not create new jobs or invest a substantial amount of new capital a relocation or reduction in operations; and*
    - 2. *Require sufficient data from the business related to jobs created and the amount of substantial capital investment before the business applies for this incentive and for four (4) years following the approval of this incentive to ensure that new jobs or substantial capital investment have occurred and remain productive in this state;*
- (3)
  - (a) *Before being approved for the tax credit permitted by Section 25 of this Act, an eligible business shall enter into an agreement with the department for the successful completion of all requirements of the program.*
  - (b) *As part of the agreement, the eligible business shall agree to:*
    - 1. *Collect and provide all information required by the department, allowing the department and the Department of Revenue to maintain the annual tax credit cap and to fulfill each of the reporting and compliance obligations under this section and Section 25 of this Act; and*

2. *Agree to allow information about the production of renewable chemicals and the related tax credit to be shared with the Interim Joint Committee on Appropriations and Revenue.*
- (c) *The business shall not receive a tax credit for renewable chemicals produced before the date the business first qualified as an eligible business.*
- (4) (a) *The department may impose a nonrefundable compliance cost fee of five hundred dollars (\$500), collected by the department at the time a business applies for participation in the program.*
- (b) *An eligible business shall fulfill all the requirements of the program and the agreement before receiving a tax credit or entering into a subsequent agreement under this section.*
- (c) *The department may decline to enter into a subsequent agreement under this section or award a tax credit if an agreement is not successfully fulfilled.*
- (5) (a) *After the production of renewable chemicals by an eligible business, the business shall apply, in the manner prescribed by the department, for the renewable chemicals tax credit. The application shall include the following information:*
  1. *A description of the renewable chemicals produced in this state;*
  2. *The amount or volume of renewable chemicals produced;*
  3. *The costs associated with the production of the renewable chemicals;*
  4. *The amount of gross receipts generated by the sale of the renewable chemicals; and*
  5. *Any other information required by the department in order to establish and verify eligibility under the program.*
- (b) *The department may accept applications on a continuous basis or may establish, by administrative regulation, an annual application deadline.*
- (6) *Upon establishing that all requirements of the program and the agreement have been fulfilled, the department shall certify the amount of preliminary tax credit for the applicant to the Department of Revenue.*
- (7) (a) *The department shall work with the Department of Revenue to provide all information necessary to ensure compliance with KRS Chapter 141 by the successful tax credit applicant.*
- (b) *On or before December 31, 2020, and on or before each December 31 thereafter, the department shall submit to the Department of Revenue all information received from each eligible business related to the renewable chemical tax credit.*
- (c) *When the Department of Revenue receives the information provided under paragraph (b) of this subsection, the Department of Revenue shall consider the renewable chemical tax credit applications together with the total amount of approved credit for all biodiesel producers, biodiesel blenders, and renewable diesel producers required in Section 27 of this Act.*
- (8) *The renewable chemical production program shall sunset on December 31, 2024.*
- (9) (a) *Failure to fulfill any requirement of the program or any of the terms and obligations of an agreement entered into under this section by an eligible business shall:*
  1. *Result in the rescission of the tax credit permitted by Section 25 of this Act by the department; and*
  2. *Subject the eligible business to the repayment of all tax credits claimed.*
- (b) *Upon the rescission of any tax credit, the department shall report to the Department of Revenue, within thirty (30) days, all information necessary by the Department of Revenue to ensure compliance with KRS Chapter 141.*

➔SECTION 25. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *An eligible business that:*
  1. *Has entered into an agreement under subsection (3) of Section 24 of this Act;*
  2. *Receives certification from the Department of Agriculture of the preliminary tax credit under subsection (6) of Section 24 of this Act; and*

3. *Receives authorization from the department regarding the amount of tax credit that is allowed;*  
*may claim the renewable chemical production tax credit in an amount equal to the amount authorized by the department as provided in Section 27 of this Act.*
- (b) *For taxable years beginning on or after January 1, 2021, the renewable chemical production tax credit shall be nonrefundable, nontransferable, and allowed against taxes imposed by KRS 141.020 or 141.040 and 141.0401, with the ordering of the credits as provided in Section 20 of this Act.*
- (c)
  1. *Any amount of credit that a taxpayer is unable to utilize during a taxable year may be carried forward for use in a succeeding taxable year for a period not to exceed three (3) taxable years.*
  2. *Any amount of credit not used within the three (3) taxable years shall be lost.*
  3. *No amount of credit may be carried back to a prior taxable year by any taxpayer.*
- (2) *If the eligible business is a pass-through entity, the eligible business may apply the credit against the limited liability entity tax imposed by KRS 141.0401, and shall pass the credit through to its members, partners, or shareholders in the same proportion as the distributive share of income or loss is passed through.*
- (3) *If the Department of Agriculture rescinds any tax credit under subsection (9) of Section 24 of this Act, the repayment of any tax credit by the taxpayer shall be:*
  - (a) *Considered a tax payment due and payable to the Kentucky State Treasurer; and*
  - (b) *Collected by the department in the same manner as failure to pay the tax shown due or required to be shown due with the filing of that return.*
- (4)
  - (a) *In order for the General Assembly to evaluate the renewable chemical tax credit program, the department, in cooperation with the Department of Agriculture, shall submit to the Interim Joint Committee on Appropriations and Revenue a cumulative report describing the activities of the program by taxable year.*
  - (b) *The report shall include:*
    1. *The aggregate number of pounds, by each type of renewable chemicals produced in this state, for all successful tax credit applicants under the program;*
    2. *The aggregate gross receipts from sales, by each type of renewable chemicals produced in this state, for all successful tax credit applicants under the program;*
    3. *The number of employees located in this state of all successful tax credit applicants during the calendar year immediately preceding the calendar year for which the successful applicants first applied for a tax credit under the program;*
    4. *The number of employees located in this state of all successful tax credit applicants during each calendar year that the tax credit is claimed;*
    5. *The number of tax credit certificates and aggregate amount of tax credits awarded under the program for each calendar year; and*
    6. *For each eligible business issued a renewable chemical production tax credit during each taxable year:*
      - a. *The county within which the eligible business is producing the renewable chemical;*
      - b. *The amount of the tax credit claimed by the eligible business;*
      - c. *The manner in which the eligible business first qualified as an eligible business, whether by organizing, expanding, or locating in this state;*
      - d. *The amount of renewable chemical production tax credit claimed during each taxable year; and*
      - e. *Any repayment of incentives by the business, if the business does not meet the requirements of the agreement.*

➔Section 26. KRS 141.422 is amended to read as follows:

As used in KRS 141.422 to 141.425:

- (1) "Annual biodiesel and renewable diesel tax credit cap" means:
  - (a) For calendar years beginning prior to January 1, 2008, one million five hundred thousand dollars (\$1,500,000);
  - (b) For the calendar year beginning on January 1, 2008, five million dollars (\$5,000,000); ~~and~~
  - (c) For calendar years beginning on or after January 1, 2009, *but before January 1, 2021*, ten million dollars (\$10,000,000);
- (2) *"Annual biodiesel, renewable diesel, and renewable chemical tax credit cap" means, for calendar years beginning on or after January 1, 2021, ten million dollars (\$10,000,000);*
- (3) "Annual cellulosic ethanol tax credit cap" means five million dollars (\$5,000,000), unless the annual cellulosic ethanol tax credit cap is modified pursuant to KRS 141.4248, in which case the cap established by KRS 141.4248 shall be the annual cellulosic ethanol tax credit cap for that year. Any adjustments to the annual cellulosic ethanol tax credit cap made pursuant to KRS 141.4248 shall be made on an annual basis and shall not carry forward to subsequent years;
- ~~(4)(3)~~ "Annual ethanol tax credit cap" means five million dollars (\$5,000,000), unless the annual credit cap is modified pursuant to KRS 141.4248, in which case the cap established by KRS 141.4248 shall be the annual ethanol tax credit cap for that year. Any adjustments to the annual ethanol tax credit cap made pursuant to KRS 141.4248 shall be made on an annual basis and shall not carry forward to subsequent years;
- ~~(5)(4)~~ "Biodiesel" means a renewable, biodegradeable, mono alkyl ester combustible liquid that is derived from agriculture crops, agriculture plant oils, agriculture residues, animal fats, or waste products that meets current American Society for Testing and Materials specification D6751 for biodiesel fuel (B100) blend stock distillate fuels;
- ~~(6)(5)~~ "Biodiesel producer" means an entity that manufactures biodiesel at a location in this Commonwealth;
- ~~(7)(6)~~ "Cellulosic ethanol" means ethyl alcohol for use as motor fuel that meets the current American Society for Testing and Materials specification D4806 for ethanol that is produced from cellulosic biomass materials of any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including:
  - (a) Plant wastes from industrial processes such as sawdust and paper pulp;
  - (b) Energy crops grown specifically for fuel production such as switchgrass; or
  - (c) Agricultural plant residues such as corn stover, rice hulls, sugarcane, and cereal straws;
- ~~(8)(7)~~ "Cellulosic ethanol producer" means an entity that uses cellulosic biomass materials to manufacture cellulosic ethanol at a location in this Commonwealth;
- ~~(9)(8)~~ "Blended biodiesel" means a blend of biodiesel with petroleum diesel so that the percentage of biodiesel in the blend is at least two percent (2%) (B2 or greater);
- ~~(10)(9)~~ "Ethanol" means ethyl alcohol produced from corn, soybeans, or wheat for use as a motor fuel that meets the current American Society for Testing and Materials specification D4806 for ethanol;
- ~~(11)(10)~~ "Ethanol-based tax credits" means the cellulosic ethanol tax credit provided for in KRS 141.4244 and the ethanol tax credit provided for in KRS 141.4242;
- ~~(12)(11)~~ "Ethanol producer" means an entity that uses corn, soybeans, or wheat to manufacture ethanol at a location in this Commonwealth;
- ~~(13)(12)~~ "Renewable diesel" means a renewable, biodegradeable, non-ester combustible liquid that:
  - (a) Is derived from biomass resources as defined in KRS 152.715; and
  - (b) Meets the current American Society for Testing and Materials Specification D396 for fuel oils intended for use in various types of fuel-oil-burning equipment; D975 for diesel fuel oils suitable for various types of diesel fuel engines; or D1655 for aviation turbine fuels; and
- ~~(14)(13)~~ "Renewable diesel producer" means an entity that manufactures renewable diesel at a location in this Commonwealth.

➔Section 27. KRS 141.423 is amended to read as follows:

- (1) (a) A biodiesel producer, biodiesel blender, or renewable diesel producer shall be entitled to a nonrefundable tax credit against the taxes imposed by KRS 141.020 or 141.040 and KRS 141.0401 in an amount certified by the department under subsection (4) of this section.
- (b) The credit rate shall be:
1. One dollar (\$1) per biodiesel gallon produced by a biodiesel producer;~~;~~
  2. One dollar (\$1) per gallon of biodiesel used in the blending process by a biodiesel blender;~~;~~ and
  3. One dollar (\$1) per gallon of renewable diesel produced by a renewable diesel producer;~~;~~
- unless the total amount of approved credit for all biodiesel producers, biodiesel blenders, and renewable diesel producers exceeds the annual biodiesel and renewable diesel tax credit cap *for calendar years beginning prior to January 1, 2021, or the annual biodiesel, renewable diesel, and renewable chemical tax credit cap for calendar years beginning on or after January 1, 2021.*
- (c) *For calendar years beginning prior to January 1, 2021, if the total amount of approved credit for all biodiesel producers, biodiesel blenders, and renewable diesel producers exceeds the annual biodiesel and renewable diesel tax credit cap, the department shall determine the amount of credit each biodiesel producer, biodiesel blender, and renewable diesel producer receives by multiplying the annual biodiesel and renewable diesel tax credit cap by a fraction, the numerator of which is the amount of approved credit for the biodiesel producer, biodiesel blender, and renewable diesel producer and the denominator of which is the total approved credit for all biodiesel producers, biodiesel blenders, and renewable diesel producers.*
- (d) *For calendar years beginning on or after January 1, 2021, if the total amount of approved credit for all biodiesel producers, biodiesel blenders, renewable diesel producers, and renewable chemical producers exceeds the annual biodiesel, renewable diesel, and renewable chemical tax credit cap, the department shall determine the amount of credit each biodiesel producer, biodiesel blender, renewable diesel producer, and renewable chemical producer receives by multiplying the annual biodiesel, renewable diesel, and renewable chemical tax credit cap by a fraction, the numerator of which is the amount of approved credit for the each producer and the denominator of which is the total approved credit for all producers.*
- (e)~~(b)~~ The credit allowed under paragraph (a) of this subsection shall be applied both to the income tax imposed under KRS 141.020 or 141.040 and to the limited liability entity tax imposed under KRS 141.0401, with the ordering of credits as provided in KRS 141.0205.
- (2) Re-blending of blended biodiesel shall not qualify for the credit provided under this section.
- (3) The credit *allowed in subsection (1) of this section* shall not be carried forward to a return for any other period.
- (4) (a) Each biodiesel producer, biodiesel blender, and renewable diesel producer eligible for the credit provided under subsection (1) of this section shall file a tax credit claim for biodiesel gallons produced or blended in this state or for renewable diesel produced in this state on forms prescribed by the department by the fifteenth day of the first month following the close of the preceding calendar year.
- (b) The department shall determine the amount of the approved credit based on the amount of biodiesel produced, biodiesel blended,~~or~~ renewable diesel produced, *or renewable chemical produced* in this state during the preceding calendar year and issue a credit certificate to the biodiesel producer, biodiesel blender,~~or~~ renewable diesel producer, *or renewable chemical producer* by the fifteenth day of the fourth month following the close of the calendar year.
- (5) In the case of a biodiesel producer, biodiesel blender,~~or~~ renewable diesel producer, *or renewable chemical producer* that has a fiscal year end for purposes of computing the tax imposed by KRS 141.020, 141.040, and 141.0401, the amount of approved credit shall be claimed on the return filed for the first fiscal year ending after the close of the preceding calendar year.
- ➔Section 28. KRS 141.0101 is amended to read as follows:
- (1) (a) The provisions of subsections (2) to (11) of this section shall apply to taxable years beginning before January 1, 1994.
- (b) The provisions of subsections (12) to (15) of this section shall apply to taxable years beginning after December 31, 1993.

- (c) The provisions of subsection (16) of this section apply to property placed in service after September 10, 2001.
- (2) For property placed in service prior to January 1, 1990, in lieu of the depreciation and expense deductions allowed under Internal Revenue Code Sections 168 and 179, a deduction for a reasonable allowance for depreciation, exhaustion, wear and tear, and obsolescence of property used in a trade or business shall be allowed and computed as set out in subsections (3) to (11) of this section. For property placed in service after December 31, 1989, the depreciation and expense deductions allowed under Sections 168 and 179 of the Internal Revenue Code shall be allowed.
- (3) Effective August 1, 1985, "reasonable allowance" as used in subsection (2) of this section shall mean depreciation computed in accordance with Section 167 of the Internal Revenue Code and related regulations in effect on December 31, 1980, for all property placed in service on or after January 1, 1981, except as provided in subsections (6) to (8) of this section.
- (4) Depreciation of property placed in service prior to January 1, 1981, shall be computed under Section 167 of the Internal Revenue Code, and the method elected thereunder at the time the property was first placed in service or as changed with the approval of the Commissioner of Internal Revenue Service or as required by changes in federal regulations.
- (5) Taxpayers other than corporations shall be allowed to deduct as depreciation on recovery property placed in service before August 1, 1985, an amount calculated under Section 168 of the Internal Revenue Code subject to the provisions of subsections (6) and (8) of this section. Corporations with a taxable year beginning on or after July 1, 1984, and before August 1, 1985, shall calculate a deduction for depreciation on recovery property placed in service prior to August 1, 1985, using either of the following alternative methods:
- (a) Dividing the total of the deductions allowed under Internal Revenue Code Section 168 by one and four tenths (1.4); and
  - (b) Calculating the deduction that would be allowed or allowable under the provisions of Section 167 of the Internal Revenue Code.
- (6) Recovery property placed in service on or after January 1, 1981, and before August 1, 1985, and subject to transition under subsection (8) of this section, shall be subject to depreciation under Section 167 of the Internal Revenue Code, restricted to the straight line method therein provided over the remaining useful life of such assets.
- (7) Depreciation of property placed in service on or after August 1, 1985, shall be computed under Section 167 of the Internal Revenue Code.
- (8) Transition from Section 168 of the Internal Revenue Code, Accelerated Cost Recovery System (ACRS) depreciation, to the depreciation allowed or allowable under this section shall be reported in the first taxable year beginning on or after August 1, 1985. To implement the transition, the following adjustments shall be made:
- (a) Taxpayers other than corporations shall use the adjusted Kentucky basis for property placed in service on or after January 1, 1981. "Adjusted Kentucky basis" means the basis used for determining depreciation under Section 168 of the Internal Revenue Code less the allowed or allowable depreciation and adjustment for election to expense an asset (Section 179 of the Internal Revenue Code);
  - (b) Corporations shall adjust the federal unadjusted basis by increasing such basis by the ACRS depreciation not allowed as a deduction in determining Kentucky net income for tax years beginning after June 30, 1984, less allowed or allowable ACRS depreciation for federal income tax purposes. Corporations will not be permitted to adjust the basis by the ACRS depreciation not allowed for Kentucky income tax purposes in tax years beginning on or before June 30, 1984.
- (9) A taxpayer may elect to treat the cost of property placed in service on or before July 31, 1985, as an expense as provided in Section 179 of the Internal Revenue Code in effect on December 31, 1981, except that the aggregate cost which may be expensed for corporations shall not exceed five thousand dollars (\$5,000). A taxpayer may elect to treat the cost of property placed in service on or after August 1, 1985, as an expense as provided in Section 179 of the Internal Revenue Code in effect on December 31, 1980. Computations, limitations, definitions, exceptions, and other provisions of Section 179 of the Internal Revenue Code and related regulations shall be construed to govern the computation of the allowable deduction.

- (10) Upon the sale, exchange, or disposition of any depreciable property placed in service on or after January 1, 1981, capital gains or losses and the amount of ordinary income determined under the provisions of the Internal Revenue Code shall be computed for Kentucky income tax purposes as follows:
- (a) Compute the Kentucky unadjusted basis which is the cost of the asset reduced by any basis adjustment made by the taxpayer under Section 48(q)(1) of the Internal Revenue Code and any expense allowed and utilized under Section 179 of the Internal Revenue Code (First Year Expense) in determining Kentucky net income in prior years, and
  - (b) Compute the adjusted basis by subtracting the depreciation allowed or allowable for Kentucky income tax purposes from the unadjusted basis, except corporations will not be permitted to adjust the basis of assets by the ACRS depreciation not allowed for Kentucky income tax purposes in the tax years beginning on or before June 30, 1984, and
  - (c) Compute the gain or loss by subtracting the adjusted basis from the value received from the disposition of the depreciable property, and
  - (d) Compute the recapture of depreciation required under Sections 1245 through 1256 of the Internal Revenue Code and related regulations, and
  - (e) Unless otherwise provided in this subsection the provisions of the Internal Revenue Code and related regulations governing the determination of capital gains or losses shall apply for Kentucky income tax purposes.
- (11) Unless otherwise provided by this chapter, the basis of property placed in service prior to January 1, 1990, for purposes of Kentucky income tax shall be the basis, adjusted or unadjusted, required to be used under Section 167 of the Internal Revenue Code in effect on December 31, 1980.
- (12) As used in this subsection to subsection (14) of this section:
- (a) "Transition property" means any property placed in service before the first day of the first taxable year beginning after December 31, 1993, and owned by the taxpayer on the first day of the first taxable year beginning after December 31, 1993.
  - (b) "Adjusted Kentucky basis" means the amount computed in accordance with the provisions of paragraph (b) of subsection (10) of this section for transition property.
  - (c) "Adjusted federal basis" means the original cost, or, in the case of Section 338 property, the adjusted grossed-up basis of transition property less:
    - 1. Any basis adjustments required by the Internal Revenue Code for credits; and
    - 2. The total accumulated depreciation and election to expense deductions allowed or allowable for federal income tax purposes.
  - (d) "Section 338 property" means property to which an adjusted grossed-up basis has been allocated pursuant to a valid election made by a purchasing corporation under the provisions of Section 338 of the Internal Revenue Code.
  - (e) "Transition amount" means the net difference between the adjusted Kentucky basis and the adjusted federal basis of all transition property determined as of the first day of the first taxable year beginning after December 31, 1993.
- (13) For taxable years beginning after December 31, 1993, the amounts of depreciation and election to expense deductions, allowed or allowable, the basis of assets, adjusted or unadjusted, and the gain or loss from the sale or other disposition of assets shall be the same for Kentucky income tax purposes as determined under Chapter 1 of the Internal Revenue Code.
- (14) For taxable years beginning after December 31, 1993, the transition amount computed in accordance with the provisions of paragraph (e) of subsection (12) of this section shall be reported by the taxpayer as follows:
- (a) In the first taxable year beginning after December 31, 1993, and the eleven (11) succeeding taxable years, the taxpayer shall include in gross income one-twelfth (1/12) of the transition amount if:
    - 1. The adjusted federal basis of transition property exceeds the adjusted Kentucky basis of transition property;
    - 2. The transition amount exceeds five million dollars (\$5,000,000);



3. The transition amount includes property for which an election was made under Section 338 of the Internal Revenue Code; and
  4. The taxpayer elects the provisions of this paragraph with the filing of an amended income tax return for the first taxable year beginning after December 31, 1993.
- (b) In the first taxable year beginning after December 31, 1993 and the three (3) succeeding taxable years, if the transition amount exceeds one hundred thousand dollars (\$100,000), or if the transition amount does not exceed one hundred thousand dollars (\$100,000) and the taxpayer elects the provision of this paragraph with the filing of the income tax return for the first taxable year beginning after December 31, 1993, the taxpayer shall:
1. Deduct from gross income twenty-five percent (25%) of the transition amount if the adjusted Kentucky basis of transition property exceeds the adjusted federal basis of transition property; or
  2. Add to gross income twenty-five percent (25%) of the transition amount if the adjusted federal basis of transition property exceeds the adjusted Kentucky basis of transition property.
- (c) In the first taxable year beginning after December 31, 1993, if the transition amount does not exceed one hundred thousand dollars (\$100,000) and the taxpayer does not elect the provisions of paragraph (b) of this subsection, the taxpayer shall:
1. Deduct from gross income the total transition amount if the adjusted Kentucky basis of transition property exceeds the adjusted federal basis of transition property; or
  2. Add to gross income the total transition amount if the adjusted federal basis of transition property exceeds the adjusted Kentucky basis of transition property.
- (15) Notwithstanding any other provision of this section to the contrary, any qualified farming operation, as defined in KRS 141.410, shall be allowed to compute the depreciation deduction for new buildings and equipment purchased to enable participation in a networking project, as defined in KRS 141.410, on an accelerated basis at two (2) times the rate that would otherwise be permitted under the provisions of this section. The accumulated depreciation allowed under this subsection shall not exceed the taxpayer's basis in such property.
- (16) (a) For property placed in service after September 10, 2001, only the depreciation deduction allowed under Section 168 of the Internal Revenue Code in effect on December 31, 2001, exclusive of any amendments made subsequent to that date, shall be allowed.
- (b) For property placed in service after September 10, 2001, but prior to January 1, 2020, only the expense deduction allowed under Section 179 of the Internal Revenue Code in effect on December 31, 2001, exclusive of any amendments made subsequent to that date, shall be allowed.
- (c) For property placed in service on or after January 1, 2020, only the expense deduction allowed under Section 179 of the Internal Revenue Code in effect on December 31, 2003, exclusive of any amendments made subsequent to that date, shall be allowed, ***except that the phase-out provisions of Section 179 of the Internal Revenue Code, limiting the qualifying investment in property, shall not apply.***

➔Section 29. KRS 224.50-868 is amended to read as follows:

- (1) ***As used in this section:***
- (a) ***"Motor vehicle" means every vehicle intended primarily for use and operation on the public highways that is self-propelled, including a low-speed motor vehicle as defined in KRS 186.010;***
- (b) ***"Semitrailer" means any vehicle:***
1. ***Designed:***
    - a. ***As temporary living quarters for recreation, camping, or travel; or***
    - b. ***For carrying persons or property;***
  2. ***Designed for being drawn by a motor vehicle; and***
  3. ***Constructed that:***
    - a. ***Some part of its weight; or***
    - b. ***Some part of its load;***

*rests upon or is carried by another vehicle; and*

(c) *"Trailer" means any vehicle:*

1. *Designed:*

a. *As temporary living quarters for recreation, camping, or travel; or*

b. *For carrying persons or property;*

2. *Designed for being drawn by a motor vehicle; and*

3. *Constructed that:*

a. *No part of its weight; and*

b. *No part of its load;*

*rests upon or is carried by another vehicle.*

(2) (a) 1. Prior to July 1, 2018, 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. The fee shall not be subject to the Kentucky sales tax.

2. Beginning July 1, 2018, but prior to July 1, 2020, a fee is hereby imposed upon a retailer at the rate of two dollars (\$2) for each new motor vehicle tire sold in Kentucky. The fee shall be subject to the Kentucky sales tax.

3. ***Beginning July 1, 2020, but prior to July 1, 2024, a fee is hereby imposed upon a retailer at the rate of two dollars (\$2) for each new motor vehicle, trailer, or semitrailer tire sold in Kentucky. The fee shall be subject to the Kentucky sales tax.***

4. A retailer may pass the fee imposed by this paragraph on to the purchaser of the new tire.

(b) 1. A new tire is a tire that has never been placed on a motor vehicle, ***trailer, or semitrailer*** wheel rim.

2. ***A new tire***~~[, but it]~~ is not a tire placed on a motor vehicle, ***trailer, or semitrailer*** prior to its original retail sale or a recapped tire.}

~~(c) The term "motor vehicle" as used in this section shall mean "motor vehicle" as defined in KRS 138.450.~~

~~(3)~~~~(2)~~ When a retailer sells 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 retailer shall encourage the purchaser of the new tire 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.

~~(4)~~~~(3)~~ (a) 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.

(b) The report shall be filed on forms and contain information as the Department of Revenue may require.

(c) The retailer shall be allowed to retain an amount equal to five percent (5%) of the fees due, provided the amount due is not delinquent at the time of payment.

~~(5)~~~~(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:

1. 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; and

2. The two dollar (\$2) new tire fee is 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.
  - (6)(5) A retailer shall comply with the requirements of the recordkeeping system for waste tires established by KRS 224.50-874.
  - (7)(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.
  - (8)(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 30. KRS 224.50-855 is amended to read as follows:
- (1) The Waste Tire Working Group is hereby established and shall be attached to the cabinet for administrative purposes and staff support.
  - (2) The Waste Tire Working Group shall have the following eight (8) members:
    - (a) The director of the Division of Waste Management or his or her designee who shall be an ex officio member and also serve as chair;
    - (b) The manager of the Recycling and Local Assistance Branch within the Division of Waste Management or his or her designee who shall be an ex officio member;
    - (c) One (1) representative of the Kentucky Department of Agriculture, to be selected by the Commissioner of Agriculture and appointed by the Governor for an initial term of two (2) years and who may be reappointed;
    - (d) Two (2) representatives of the Solid Waste Coordinators of Kentucky selected by the Solid Waste Coordinators of Kentucky and appointed by the Governor for an initial term of three (3) years and who may be reappointed;
    - (e) One (1) county judge/executive appointed by the Governor from a list of three (3) nominees submitted by the Kentucky County Judge/Executive Association for an initial term of three (3) years and who may be reappointed;
    - (f) One (1) mayor of a Kentucky city appointed by the Governor from a list of three (3) nominees submitted by the Kentucky League of Cities; and
    - (g) One (1) representative of private industry engaged in the business of retail tire sales appointed by the Governor for an initial term of three (3) years and who may be reappointed.
  - (3) The members of the Waste Tire Working Group identified in paragraphs (c), (d), (e), (f), and (g) of subsection (2) of this section shall receive travel-related expenses but no salary as compensation.
  - (4) The first meeting of the Waste Tire Working Group shall be no later than August 15, 2011. The working group shall meet at least twice a year or more frequently at the call of the chair.
  - (5) The Waste Tire Working Group shall:
    - (a) Provide advice and input to the cabinet regarding:
      1. The administration and implementation of alternative methods for controlling the local accumulation of waste tires;
      2. Developing the concept of a core fee for waste tires;
      3. Improving the manifest system that tracks tires from point of sale to point of disposal;
      4. Developing ways to assist local governments with direct grants for waste tire disposal; and
      5. Developing an informational fact sheet on proper waste tire disposal ~~under~~ pursuant to KRS 224.50-868(3)(2) and (8)(7) to be made available on the cabinet's Web site and available in print upon request;

- (b) Serve as an advisory body to the cabinet in the development of a formula that the cabinet will use to apportion the money in the waste tire trust fund established by KRS 224.50-880 for crumb rubber grants, tire amnesties, and tire-derived fuel, and to return a portion of the waste tire funds to local governments during Commonwealth Cleanup Week for waste tire disposal; and
- (c) Provide advice and input to the cabinet on the data development and preparation of the waste tire report mandated under KRS 224.50-872.

➔Section 31. 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, ~~2028~~~~[2024]~~. 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 32. 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. Owners or operators may submit affidavits and applications relevant to current petroleum storage tank accounts through July 15, ~~2025~~~~[2021]~~.

➔Section 33. 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, ~~2025~~~~[2024]~~, 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.

➔Section 34. KRS 139.010 is amended to read as follows:

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

- (1) (a) "Admissions" means the fees paid for:
  1. The right of entrance to a display, program, sporting event, music concert, performance, play, show, movie, exhibit, fair, or other entertainment or amusement event or venue; and
  2. The privilege of using facilities or participating in an event or activity, including but not limited to:
    - a. Bowling centers;
    - b. Skating rinks;
    - c. Health spas;
    - d. Swimming pools;
    - e. Tennis courts;
    - f. Weight training facilities;
    - g. Fitness and recreational sports centers; and
    - h. Golf courses, both public and private;

regardless of whether the fee paid is per use or in any other form, including but not limited to an initiation fee, monthly fee, membership fee, or combination thereof.
- (b) "Admissions" does not include:
  1. Any fee paid to enter or participate in a fishing tournament; or
  2. Any fee paid for the use of a boat ramp for the purpose of allowing boats to be launched into or hauled out from the water;
- (2) "Advertising and promotional direct mail" means direct mail the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this definition, "product" means tangible personal property, an item transferred electronically, or a service;
- (3) "Business" includes any activity engaged in by any person or caused to be engaged in by that person with the object of gain, benefit, or advantage, either direct or indirect;
- (4) "Commonwealth" means the Commonwealth of Kentucky;
- (5) "Department" means the Department of Revenue;
- (6) (a) "Digital audio-visual works" means a series of related images which, when shown in succession, impart an impression of motion, with accompanying sounds, if any.
- (b) "Digital audio-visual works" includes movies, motion pictures, musical videos, news and entertainment programs, and live events.
- (c) "Digital audio-visual works" shall not include video greeting cards, video games, and electronic games;
- (7) (a) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds.
- (b) "Digital audio works" includes ringtones, recorded or live songs, music, readings of books or other written materials, speeches, or other sound recordings.
- (c) "Digital audio works" shall not include audio greeting cards sent by electronic mail;

- (8) (a) "Digital books" means works that are generally recognized in the ordinary and usual sense as books, including any literary work expressed in words, numbers, or other verbal or numerical symbols or indicia if the literary work is generally recognized in the ordinary or usual sense as a book.
- (b) "Digital books" shall not include digital audio-visual works, digital audio works, periodicals, magazines, newspapers, or other news or information products, chat rooms, or Web logs;
- (9) (a) "Digital code" means a code which provides a purchaser with a right to obtain one (1) or more types of digital property. A "digital code" may be obtained by any means, including electronic mail messaging or by tangible means, regardless of the code's designation as a song code, video code, or book code.
- (b) "Digital code" shall not include a code that represents:
1. A stored monetary value that is deducted from a total as it is used by the purchaser; or
  2. A redeemable card, gift card, or gift certificate that entitles the holder to select specific types of digital property;
- (10) (a) "Digital property" means any of the following which is transferred electronically:
1. Digital audio works;
  2. Digital books;
  3. Finished artwork;
  4. Digital photographs;
  5. Periodicals;
  6. Newspapers;
  7. Magazines;
  8. Video greeting cards;
  9. Audio greeting cards;
  10. Video games;
  11. Electronic games; or
  12. Any digital code related to this property.
- (b) "Digital property" shall not include digital audio-visual works or satellite radio programming;
- (11) (a) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipient.
- (b) "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail retailer for inclusion in the package containing the printed material.
- (c) "Direct mail" does not include multiple items of printed material delivered to a single address;
- (12) "Directly used in the manufacturing or industrial processing process" means the process ~~within a plant facility~~ that commences with the movement of raw materials from storage into a continuous, unbroken, integrated process and ends when the finished product is packaged and ready for sale;
- (13) (a) "Extended warranty services" means services provided through a service contract agreement between the contract provider and the purchaser where the purchaser agrees to pay compensation for the contract and the provider agrees to repair, replace, support, or maintain tangible personal property or digital property according to the terms of the contract if:
1. The service contract agreement is sold or purchased on or after July 1, 2018; and
  2. The tangible personal property or digital property for which the service contract agreement is provided is subject to tax under this chapter or under KRS 138.460.
- (b) "Extended warranty services" does not include the sale of a service contract agreement for tangible personal property to be used by a small telephone utility as defined in KRS 278.516 or a Tier III CMRS



provider as defined in KRS 65.7621 to deliver communications services as defined in KRS 136.602 or broadband as defined in KRS 278.5461;

- (14) (a) "Finished artwork" means final art that is used for actual reproduction by photomechanical or other processes or for display purposes.
- (b) "Finished artwork" includes:
  - 1. Assemblies;
  - 2. Charts;
  - 3. Designs;
  - 4. Drawings;
  - 5. Graphs;
  - 6. Illustrative materials;
  - 7. Lettering;
  - 8. Mechanicals;
  - 9. Paintings; and
  - 10. Paste-ups;
- (15) (a) "Gross receipts" and "sales price" mean the total amount or consideration, including cash, credit, property, and services, for which tangible personal property, digital property, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:
  - 1. The retailer's cost of the tangible personal property, digital property, or services sold;
  - 2. The cost of the materials used, labor or service cost, interest, losses, all costs of transportation to the retailer, all taxes imposed on the retailer, or any other expense of the retailer;
  - 3. Charges by the retailer for any services necessary to complete the sale;
  - 4. Delivery charges, which are defined as charges by the retailer for the preparation and delivery to a location designated by the purchaser including transportation, shipping, postage, handling, crating, and packing;
  - 5. Any amount for which credit is given to the purchaser by the retailer, other than credit for tangible personal property or digital property traded when the tangible personal property or digital property traded is of like kind and character to the property purchased and the property traded is held by the retailer for resale; and
  - 6. The amount charged for labor or services rendered in installing or applying the tangible personal property, digital property, or service sold.
- (b) "Gross receipts" and "sales price" shall include consideration received by the retailer from a third party if:
  - 1. The retailer actually receives consideration from a third party and the consideration is directly related to a price reduction or discount on the sale to the purchaser;
  - 2. The retailer has an obligation to pass the price reduction or discount through to the purchaser;
  - 3. The amount of consideration attributable to the sale is fixed and determinable by the retailer at the time of the sale of the item to the purchaser; and
  - 4. One (1) of the following criteria is met:
    - a. The purchaser presents a coupon, certificate, or other documentation to the retailer to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;

- b. The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser; or
  - c. The purchaser identifies himself or herself to the retailer as a member of a group or organization entitled to a price reduction or discount. A "preferred customer" card that is available to any patron does not constitute membership in such a group.
- (c) "Gross receipts" and "sales price" shall not include:
  - 1. Discounts, including cash, term, or coupons that are not reimbursed by a third party and that are allowed by a retailer and taken by a purchaser on a sale;
  - 2. Interest, financing, and carrying charges from credit extended on the sale of tangible personal property, digital property, or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; or
  - 3. Any taxes legally imposed directly on the purchaser that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.
- (d) As used in this subsection, "third party" means a person other than the purchaser;
- (16) "In this state" or "in the state" means within the exterior limits of the Commonwealth and includes all territory within these limits owned by or ceded to the United States of America;
- (17) "Industrial processing" includes:
  - (a) Refining;
  - (b) Extraction of minerals, ores, coal, clay, stone, petroleum, or natural gas;
  - (c) Mining, quarrying, fabricating, and industrial assembling;
  - (d) The processing and packaging of raw materials, in-process materials, and finished products; and
  - (e) The processing and packaging of farm and dairy products for sale;
- (18) (a) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental shall include future options to:
  - 1. Purchase the property; or
  - 2. Extend the terms of the agreement and agreements covering trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. sec. 7701(h)(1).
- (b) "Lease or rental" shall not include:
  - 1. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;
  - 2. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of the required payments and payment of an option price that does not exceed the greater of one hundred dollars (\$100) or one percent (1%) of the total required payments; or
  - 3. Providing tangible personal property and an operator for the tangible personal property for a fixed or indeterminate period of time. To qualify for this exclusion, the operator must be necessary for the equipment to perform as designed, and the operator must do more than maintain, inspect, or setup the tangible personal property.
- (c) This definition shall apply regardless of the classification of a transaction under generally accepted accounting principles, the Internal Revenue Code, or other provisions of federal, state, or local law;
- (19) (a) "Machinery for new and expanded industry" means machinery:
  - 1. Directly used in the manufacturing or industrial processing process *of*:
    - a. *Tangible personal property at a plant facility*;

- b. *Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030 that includes a retail establishment on the premises; or*
          - c. *Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040 that includes a retail establishment;*
    2. Which is incorporated for the first time into:
      - a. A plant facility established in this state; *or*
      - b. *Licensed premises located in this state;* and
    3. Which does not replace machinery in the plant facility *or licensed premises* unless that machinery purchased to replace existing machinery:
      - a. Increases the consumption of recycled materials at the plant facility by not less than ten percent (10%);
      - b. Performs different functions;
      - c. Is used to manufacture a different product; or
      - d. Has a greater productive capacity, as measured in units of production, than the machinery being replaced.
  - (b) "Machinery for new and expanded industry" does not include repair, replacement, or spare parts of any kind, regardless of whether the purchase of repair, replacement, or spare parts is required by the manufacturer or seller as a condition of sale or as a condition of warranty;
- (20) "Manufacturing" means any process through which material having little or no commercial value for its intended use before processing has appreciable commercial value for its intended use after processing by the machinery;
- (21) "Marketplace" means any physical or electronic means through which one (1) or more retailers may advertise and sell tangible personal property, digital property, or services, or lease tangible personal property or digital property, such as a catalog, Internet Web site, or television or radio broadcast, regardless of whether the tangible personal property, digital property, or retailer is physically present in this state;
- (22) (a) "Marketplace provider" means a person, including any affiliate of the person, that facilitates a retail sale by satisfying subparagraphs 1. and 2. of this paragraph as follows:
1. The person directly or indirectly:
    - a. Lists, makes available, or advertises tangible personal property, digital property, or services for sale by a marketplace retailer in a marketplace owned, operated, or controlled by the person;
    - b. Facilitates the sale of a marketplace retailer's product through a marketplace by transmitting or otherwise communicating an offer or acceptance of a retail sale of tangible personal property, digital property, or services between a marketplace retailer and a purchaser in a forum including a shop, store, booth, catalog, Internet site, or similar forum;
    - c. Owns, rents, licenses, makes available, or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark, or patent that connects marketplace retailers to purchasers for the purpose of making retail sales of tangible personal property, digital property, or services;
    - d. Provides a marketplace for making retail sales of tangible personal property, digital property, or services, or otherwise facilitates retail sales of tangible personal property, digital property, or services, regardless of ownership or control of the tangible personal property, digital property, or services, that are the subject of the retail sale;
    - e. Provides software development or research and development activities related to any activity described in this subparagraph, if the software development or research and development activities are directly related to the physical or electronic marketplace provided by a marketplace provider;

- f. Provides or offers fulfillment or storage services for a marketplace retailer;
  - g. Sets prices for a marketplace retailer's sale of tangible personal property, digital property, or services;
  - h. Provides or offers customer service to a marketplace retailer or a marketplace retailer's customers, or accepts or assists with taking orders, returns, or exchanges of tangible personal property, digital property, or services sold by a marketplace retailer; or
  - i. Brands or otherwise identifies sales as those of the marketplace provider; and
2. The person directly or indirectly:
- a. Collects the sales price or purchase price of a retail sale of tangible personal property, digital property, or services;
  - b. Provides payment processing services for a retail sale of tangible personal property, digital property, or services;
  - c. ~~Charges, collects, or otherwise receives selling fees, listing fees, referral fees, closing fees, fees for inserting or making available tangible personal property, digital property, or services on a marketplace, or receives other consideration from the facilitation of a retail sale of tangible personal property, digital property, or services, regardless of ownership or control of the tangible personal property, digital property, or services that are the subject of the retail sale;~~
  - d. ~~Through terms and conditions, agreements, or arrangements with a third party, collects payment in connection with a retail sale of tangible personal property, digital property, or services from a purchaser and transmits that payment to the marketplace retailer, regardless of whether the person collecting and transmitting the payment receives compensation or other consideration in exchange for the service; or~~
  - d. ~~Provides a virtual currency that purchasers are allowed or required to use to purchase tangible personal property, digital property, or services.~~
- (b) "Marketplace provider" includes but is not limited to a person that satisfies the requirements of this subsection through the ownership, operation, or control of a digital distribution service, digital distribution platform, online portal, or application store;
- (23) "Marketplace retailer" means a seller that makes retail sales through any marketplace owned, operated, or controlled by a marketplace provider;
- (24) (a) "Occasional sale" includes:
- 1. A sale of tangible personal property or digital property not held or used by a seller in the course of an activity for which he or she is required to hold a seller's permit, provided such sale is not one (1) of a series of sales sufficient in number, scope, and character to constitute an activity requiring the holding of a seller's permit. In the case of the sale of the entire, or a substantial portion of the nonretail assets of the seller, the number of previous sales of similar assets shall be disregarded in determining whether or not the current sale or sales shall qualify as an occasional sale; or
  - 2. Any transfer of all or substantially all the tangible personal property or digital property held or used by a person in the course of such an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.
- (b) For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the tangible personal property or digital property of such corporation or other entity;
- (25) (a) "Other direct mail" means any direct mail that is not advertising and promotional direct mail, regardless of whether advertising and promotional direct mail is included in the same mailing.
- (b) "Other direct mail" includes but is not limited to:
- 1. Transactional direct mail that contains personal information specific to the addressee, including but not limited to invoices, bills, statements of account, and payroll advices;

2. Any legally required mailings, including but not limited to privacy notices, tax reports, and stockholder reports; and
  3. Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including but not limited to newsletters and informational pieces.
- (c) "Other direct mail" does not include the development of billing information or the provision of any data processing service that is more than incidental to the production of printed material;
- (26) "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit;
- (27) "Permanent," as the term applies to digital property, means perpetual or for an indefinite or unspecified length of time;
- (28) "Plant facility" means a single location that is exclusively dedicated to manufacturing or industrial processing activities. A location shall be deemed to be exclusively dedicated to manufacturing or industrial processing activities even if retail sales are made there, provided that the retail sales are incidental to the manufacturing or industrial processing activities occurring at the location. The term "plant facility" shall not include any restaurant, grocery store, shopping center, or other retail establishment;
- (29) (a) "Prewritten computer software" means:
1. Computer software, including prewritten upgrades, that are not designed and developed by the author or other creator to the specifications of a specific purchaser;
  2. Software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the original purchaser; or
  3. Any portion of prewritten computer software that is modified or enhanced in any manner, where the modification or enhancement is designed and developed to the specifications of a specific purchaser, unless there is a reasonable, separately stated charge on an invoice or other statement of the price to the purchaser for the modification or enhancement.
- (b) When a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of the modifications or enhancements the person actually made.
- (c) The combining of two (2) or more prewritten computer software programs or portions thereof does not cause the combination to be other than prewritten computer software;
- (30) (a) "Purchase" means any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of:
1. Tangible personal property;
  2. An extended warranty service;
  3. Digital property transferred electronically; or
  4. Services included in KRS 139.200;
- for a consideration.
- (b) "Purchase" includes:
1. When performed outside this state or when the customer gives a resale certificate, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting;
  2. A transaction whereby the possession of tangible personal property or digital property is transferred but the seller retains the title as security for the payment of the price; and
  3. A transfer for a consideration of the title or possession of tangible personal property or digital property which has been produced, fabricated, or printed to the special order of the customer, or of any publication;

- (31) "Recycled materials" means materials which have been recovered or diverted from the solid waste stream and reused or returned to use in the form of raw materials or products;
- (32) "Recycling purposes" means those activities undertaken in which materials that would otherwise become solid waste are collected, separated, or processed in order to be reused or returned to use in the form of raw materials or products;
- (33) "Remote retailer" means a retailer with no physical presence in this state;
- (34) (a) "Repair, replacement, or spare parts" means any tangible personal property used to maintain, restore, mend, or repair machinery or equipment.
- (b) "Repair, replacement, or spare parts" does not include machine oils, grease, or industrial tools;
- (35) (a) "Retailer" means:
1. Every person engaged in the business of making retail sales of tangible personal property, digital property, or furnishing any services in a retail sale included in KRS 139.200;
  2. Every person engaged in the business of making sales at auction of tangible personal property or digital property owned by the person or others for storage, use or other consumption, except as provided in paragraph (c) of this subsection;
  3. Every person making more than two (2) retail sales of tangible personal property, digital property, or services included in KRS 139.200 during any twelve (12) month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy;
  4. Any person conducting a race meeting under the provision of KRS Chapter 230, with respect to horses which are claimed during the meeting.
- (b) When the department determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers, or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property, digital property, or services sold by them, irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, supervisors or employers, the department may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.
- (c) 1. Any person making sales at a charitable auction for a qualifying entity shall not be a retailer for purposes of the sales made at the charitable auction if:
- a. The qualifying entity, not the person making sales at the auction, is sponsoring the auction;
  - b. The purchaser of tangible personal property at the auction directly pays the qualifying entity sponsoring the auction for the property and not the person making the sales at the auction; and
  - c. The qualifying entity, not the person making sales at the auction, is responsible for the collection, control, and disbursement of the auction proceeds.
2. If the conditions set forth in subparagraph 1. of this paragraph are met, the qualifying entity sponsoring the auction shall be the retailer for purposes of the sales made at the charitable auction.
3. For purposes of this paragraph, "qualifying entity" means a resident:
- a. Church;
  - b. School;
  - c. Civic club; or
  - d. Any other nonprofit charitable, religious, or educational organization;
- (36) "Retail sale" means any sale, lease, or rental for any purpose other than resale, sublease, or subrent;
- (37) (a) "Ringtones" means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

- (b) "Ringtones" shall not include ringback tones or other digital files that are not stored on the purchaser's communications device;
- (38) (a) "Sale" means:
  - 1. The furnishing of any services included in KRS 139.200;
  - 2. Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of:
    - a. Tangible personal property; or
    - b. Digital property transferred electronically;for a consideration.
- (b) "Sale" includes but is not limited to:
  - 1. The producing, fabricating, processing, printing, or imprinting of tangible personal property or digital property for a consideration for purchasers who furnish, either directly or indirectly, the materials used in the producing, fabricating, processing, printing, or imprinting;
  - 2. A transaction whereby the possession of tangible personal property or digital property is transferred, but the seller retains the title as security for the payment of the price; and
  - 3. A transfer for a consideration of the title or possession of tangible personal property or digital property which has been produced, fabricated, or printed to the special order of the purchaser.
- (c) This definition shall apply regardless of the classification of a transaction under generally accepted accounting principles, the Internal Revenue Code, or other provisions of federal, state, or local law;
- (39) "Seller" includes every person engaged in the business of selling tangible personal property, digital property, or services of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax, and every person engaged in making sales for resale;
- (40) (a) "Storage" includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property or digital property purchased from a retailer.
- (b) "Storage" does not include the keeping, retaining, or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state;
- (41) "Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or which is in any other manner perceptible to the senses and includes natural, artificial, and mixed gas, electricity, water, steam, and prewritten computer software;
- (42) "Taxpayer" means any person liable for tax under this chapter;
- (43) "Transferred electronically" means accessed or obtained by the purchaser by means other than tangible storage media; and
- (44) (a) "Use" includes the exercise of:
  - 1. Any right or power over tangible personal property or digital property incident to the ownership of that property, or by any transaction in which possession is given, or by any transaction involving digital property where the right of access is granted; or
  - 2. Any right or power to benefit from extended warranty services.
- (b) "Use" does not include the keeping, retaining, or exercising any right or power over tangible personal property or digital property for the purpose of:
  - 1. Selling tangible personal property or digital property in the regular course of business; or
  - 2. Subsequently transporting tangible personal property outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into,

attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

➔Section 35. 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 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;
- (4) 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;
- (5) 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;
- (6) 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;
- (7)
  - (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;
  - (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;
- (8) 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;
- (9) (a) Gross receipts derived from the sale of ~~the following~~ tangible personal property, ***as provided in paragraph (b) of this subsection***, to a manufacturer or industrial processor if the property is to be directly used in the manufacturing or industrial processing process of:
  - 1. Tangible personal property at a plant facility;
  - 2. *Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030 that includes a retail establishment on the premises; or*
  - 3. *Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040 that includes a retail establishment;*
 and which will be for sale. ~~the~~

(b) ***The following tangible personal property shall qualify for exemption under this subsection:***

- 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 the manufacturing or industrial processing process, 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, and explosives. 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; and
  - c. Industrial tools. This group is limited to hand tools such as jigs, dies, drills, cutters, rolls, reamers, chucks, saws, and spray guns and to tools attached to a machine such as molds, grinding balls, grinding wheels, dies, bits, and cutting blades. Normally, for industrial tools to be considered directly used in the manufacturing or industrial processing process, they shall come into direct contact with the product being manufactured or processed; and
- 3. Materials and supplies that are not reusable in the same manufacturing or industrial processing process at the completion of a single manufacturing or processing cycle. 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.
- ~~(c)(b)~~ The property described in paragraph ~~(b)(a)~~ of this subsection shall be regarded as having been purchased for resale.
- ~~(d)(e)~~ 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.
- ~~(e)(d)~~ The exemption provided in this subsection does not include repair, replacement, or spare parts;

- (10) 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;
- (11) 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;
- (12) Gross receipts from the sale of water used in the raising of equine as a business;
- (13) 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;
- (14) 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;
- (15) 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;
- (16) 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;
- (17) Gross receipts from the sales of gasoline and special fuels subject to tax under KRS Chapter 138;
- (18) 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;
- (19) 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;
- (20) 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);
- (21) Gross receipts from the collection of:
  - (a) Any fee or charge levied by a local government pursuant to KRS 65.760;
  - (b) The charge imposed by KRS 65.7629(3);
  - (c) The fee imposed by KRS 65.7634; and
  - (d) The service charge imposed by KRS 65.7636;
- (22) Gross receipts derived from charges for labor or services to apply, install, repair, or maintain tangible personal property directly used in manufacturing or industrial processing process *of*:
  - (a) *Tangible personal property at a plant facility;*
  - (b) *Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030; or*
  - (c) *Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040*~~[, and]~~

that is not otherwise exempt under subsection (9) of this section or KRS 139.480(10), if the charges for labor or services are separately stated on the invoice, bill of sale, or similar document given to purchaser;

- (23) (a) For persons selling services included in KRS 139.200(2)(g) to (q) prior to January 1, 2019, gross receipts derived from the sale of those services if the gross receipts were less than six thousand dollars (\$6,000) during calendar year 2018. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:
  1. All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and
  2. All gross receipts are subject to tax in subsequent calendar years.
- (b) The exemption provided in this subsection shall not apply to a person also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f); and
- (24) (a) For persons that first begin making sales of services included in KRS 139.200(2)(g) to (q) on or after January 1, 2019, gross receipts derived from the sale of those services if the gross receipts are less than six thousand dollars (\$6,000) within the first calendar year of operation. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:
  1. All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and
  2. All gross receipts are subject to tax in subsequent calendar years.
- (b) The exemption provided in this subsection shall not apply to a person that is also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f).

➔Section 36. KRS 189A.050 is amended to read as follows:

- (1) All persons convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall be sentenced to pay a service fee of **four hundred twenty-five dollars (\$425)**~~three hundred seventy-five dollars (\$375)]~~, which shall be in addition to all other penalties authorized by law.
- (2) The fee shall be imposed in all cases but shall be subject to the provisions of KRS 534.020 and KRS 534.060.
- (3) The first fifty dollars (\$50) of each service fee imposed by this section shall be paid into the general fund, **the second fifty dollars (\$50) of each service fee imposed by this section shall be paid to the ignition interlock administration fund established in Section 38 of this Act**, and the remainder of the revenue collected from the service fee imposed by this section shall be utilized as follows:

- (a) Twelve percent (12%)~~[of the amount collected]~~ shall be transferred to the Department of Kentucky State Police forensic laboratory for the acquisition, maintenance, testing, and calibration of alcohol concentration testing instruments and the training of laboratory personnel to perform these tasks;
  - (b) Twenty percent (20%)~~[of the service fee collected pursuant to this section]~~ shall be allocated to the Department of Public Advocacy;
  - (c) One percent (1%) shall be transferred to the Prosecutor's Advisory Council for training of prosecutors for the prosecution of persons charged with violations of this chapter and for obtaining expert witnesses in cases involving the prosecution of persons charged with violations of this chapter or any other offense in which driving under the influence is a factor in the commission of the offense charged;
  - (d) Sixteen percent (16%)~~[of the amount collected]~~ shall be transferred as follows:
    - 1. Fifty percent (50%) shall be credited to the traumatic brain injury trust fund established under KRS 211.476; and
    - 2. Fifty percent (50%) shall be credited to the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, for the purposes of providing direct services to individuals with brain injuries that may include long-term supportive services and training and consultation to professionals working with individuals with brain injuries. As funding becomes available under this subparagraph, the cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the services permitted by this subparagraph;
  - (e) Any amount specified by a specific statute shall be transferred as provided in that statute;
  - (f) Forty-six percent (46%)~~[of the amount collected]~~ shall be transferred to be utilized to fund enforcement of this chapter and for the support of jails, recordkeeping, treatment, and educational programs authorized by this chapter and by the Department of Public Advocacy; and
  - (g) The remainder~~[of the amount collected]~~ shall be transferred to the general fund.
- (4) The amounts specified in subsection (3)(a), (b), (c), and (d) of this section shall be placed in trust and agency accounts that shall not lapse.

➔Section 37. KRS 189A.350 (Effective July 1, 2020) is amended to read as follows:

- (1) (a) The Transportation Cabinet shall:
  - 1. Issue ignition interlock license application forms and other forms necessary for the implementation of ignition interlock licenses;
  - 2. Create a uniform ignition interlock certificate of installation to be provided to a defendant by an ignition interlock provider upon installation of an ignition interlock device;
  - 3. Create an ignition interlock license. The ignition interlock license may be a regular driver's or operator's license with an ignition interlock restriction printed on the license;
  - 4. Require a person issued an ignition interlock license to maintain motor vehicle insurance for the duration of his or her ignition interlock license;
  - 5. Certify ignition interlock devices approved for use in the Commonwealth;
  - 6. Publish and periodically update on the Transportation Cabinet Web site a list of contact information, including a link to the Web site of each certified ignition interlock device provider, with the entity appearing first on the list changing on a statistically random basis each time a unique visitor visits the list of the approved ignition interlock installers and the approved servicing and monitoring entities;
  - 7. Monitor the ignition interlock device service locations of providers and create a random or designated selection process to require a provider to provide ignition interlock device services in any area of the Commonwealth which the Transportation Cabinet determines is underserved by providers; and
  - 8. Except as provided in paragraph (b) of this subsection, promulgate administrative regulations to carry out the provisions of this section.

- (b) The Transportation Cabinet shall not create any ignition interlock license or device violations in administrative regulations. The sole ignition interlock license or device violations are established in this chapter.
- (2) No model of ignition interlock device shall be certified for use in the Commonwealth unless it meets or exceeds standards promulgated by the Transportation Cabinet pursuant to this section.
- (3) In bidding for a contract with the Transportation Cabinet to provide ignition interlock devices and servicing or monitoring or both, the ignition interlock device provider shall take into account that some defendants will not be able to pay the full amount of the fees established pursuant to KRS 189A.340(7)(a).
- (4) Any contract between the cabinet and an ignition interlock device provider shall include the following:
  - (a) A requirement that the provider accept reduced payments as a full payment for all purposes from persons determined to be at or below two hundred percent (200%) of the federal poverty guidelines by the Transportation Cabinet as provided by KRS 189A.340(7)(c);
  - (b) A requirement that no unit of state or local government and no public officer or employee shall be liable for the cost of purchasing or installing the ignition interlock device or associated costs;
  - (c) A requirement that the provider agree to a price for the cost of leasing or purchasing an ignition interlock device and any associated servicing or monitoring fees during the duration of the contract. This price shall not be increased but may be reduced during the duration of the contract;
  - (d) Requirements and standards for the servicing, inspection, and monitoring of the ignition interlock device;
  - (e) Provisions for training for service center technicians and clients;
  - (f) A requirement that the provider electronically transmit reports on driving activity within seven (7) days of servicing an ignition interlock device to the Transportation Cabinet, prosecuting attorney, and defendant;
  - (g) Requirements for a transition plan for the ignition interlock device provider before the provider leaves the state to ensure that continuous monitoring is achieved and to provide a minimum forty-five (45) day notice to the cabinet of any material change to the design of the ignition interlock device, or any changes to the provider's installation, servicing, or monitoring capabilities;
  - (h) A requirement that, before beginning work, the ignition interlock device provider have and maintain insurance as approved by the cabinet, including provider's public liability and property damage insurance, in an amount determined by the cabinet, that covers the cost of defects or problems with product design, materials, workmanship during manufacture, calibration, installation, device removal, or any use thereof;
  - (i) A provision requiring that an ignition interlock provider agree to hold harmless and indemnify any unit of state or local government, public officer, or employee from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any action or omission by the ignition interlock provider relating to the installation, service, repair, use, or removal of an ignition interlock device;
  - (j) A requirement that a warning label to be affixed to each ignition interlock device upon installation. The label shall contain a warning that any person who tampers with, circumvents, or otherwise misuse the device commits a violation of law under KRS 189A.345;
  - (k) A requirement that a provider will remove an ignition interlock device without cost, if the device is found to be defective;
  - (l) A requirement that a provider have at least one (1) ignition interlock device service location in each Transportation Cabinet highway district; and
  - (m) A requirement that a provider accept assignments to provide ignition interlock device services in areas of the Commonwealth which the Transportation Cabinet determines are underserved by providers in accordance with subsection (1) of this section.
- (5) (a) ***The Transportation Cabinet may require ignition interlock device providers to pay the following fees:***
  - 1. ***An application fee not to exceed five hundred dollars (\$500);***

2. *An annual renewal fee not to exceed two hundred dollars (\$200);*
  3. *An annual service inspection fee not to exceed one hundred dollars (\$100); or*
  4. *A revisit fee for a failed inspection not to exceed one hundred fifty dollars (\$150).*
- (b) *Any fees collected pursuant to this subsection shall be paid to the ignition interlock administration fund established in Section 38 of this Act.*

➔SECTION 38. A NEW SECTION OF KRS CHAPTER 189A IS CREATED TO READ AS FOLLOWS:

- (1) *The ignition interlock administration fund is created as a restricted fund. The restricted fund shall consist of funds deposited pursuant to Sections 36 and 37 of this Act. The Transportation Cabinet shall administer the fund.*
- (2) *The funds deposited pursuant to:*
  - (a) *Section 36 of this Act shall be appropriated to the Department of Vehicle Regulation; and*
  - (b) *Section 37 of this Act shall be appropriated to the Office of Highway Safety;**for administrative costs associated with ignition interlock pursuant to this chapter.*
- (3) *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 into the succeeding fiscal year to be used for the purposes set forth in subsection (2) of this section.*
- (4) *Any interest earned on moneys in the fund shall become a part of the fund and shall not lapse.*

➔Section 39. KRS 138.146 is amended to read as follows:

- (1) The cigarette tax shall be due when any licensed wholesaler or unclassified acquirer takes possession within this state of untax-paid cigarettes.
- (2)
  - (a) The cigarette tax shall be paid by the purchase of stamps by a resident wholesaler within forty-eight (48) hours after the wholesaler receives the cigarettes.
  - (b) A stamp shall be affixed to each package of an aggregate denomination not less than the amount of the cigarette tax on the package.
  - (c) The affixed stamp shall be prima facie evidence of payment of the cigarette tax.
  - (d) Unless stamps have been previously affixed, they shall be affixed by each resident wholesaler prior to the delivery of any cigarettes to a retail location or any person in this state.
  - (e) The evidence of cigarette tax payment shall be affixed to each individual package of cigarettes by a nonresident wholesaler prior to the introduction or importation of the cigarettes into the territorial limits of this state.
  - (f) The evidence of cigarette tax payment shall be affixed by an unclassified acquirer within twenty-four (24) hours after the cigarettes are received by the unclassified acquirer.
- (3)
  - (a) The department shall by regulation prescribe the form of cigarette tax evidence, the method and manner of the sale and distribution of cigarette tax evidence, and the method and manner that tax evidence shall be affixed to the cigarettes.
  - (b) All cigarette tax evidence prescribed by the department shall be designed and furnished in a fashion to permit identification of the person that affixed the cigarette tax evidence to the particular package of cigarettes, by means of numerical rolls or other mark on the cigarette tax evidence.
  - (c) The department shall maintain for at least three (3) years information identifying the person that affixed the cigarette tax evidence to each package of cigarettes. This information shall not be kept confidential or exempt from disclosure to the public through open records.
- (4)
  - (a) Units of cigarette tax evidence shall be sold at their face value, but the department shall allow as compensation to any licensed wholesaler an amount of tax evidence equal to thirty cents (\$0.30) face value for each three dollars (\$3) of tax evidence purchased at face value and attributable to the tax assessed in KRS 138.140(1)(a). No compensation shall be allowed for tax evidence purchased at face value attributable to the surtaxes imposed in KRS 138.140(1)(b) or (c).

- (b) The department shall have the power to withhold compensation as provided in paragraph (a) of this subsection from any licensed wholesaler for failure to abide by any provisions of KRS 138.130 to 138.205 or any administrative regulations promulgated thereunder. Any refund or credit for unused cigarette tax evidence shall be reduced by the amount allowed as compensation at the time of purchase.
- (5) (a) *Payment for units of cigarette tax evidence shall be made at the time the units are sold, unless the licensed wholesaler:*
  - 1. *Has filed with the department a bond, issued by a corporation authorized to do surety business in Kentucky, in an amount equal to or greater than the amount of payment for the units of cigarette tax evidence purchased, plus all penalties, interest, and collection fees applicable to that amount, should the taxpayer default on the payment; and*
  - 2. *Has registered and agrees to make the payment of tax to the department electronically.*
- (b) *Except as provided in paragraph (c) of this subsection, if the licensed wholesaler qualifies under paragraph (a) of this subsection, the licensed wholesaler shall have ten (10) days from the date of purchase to remit payment of cigarette tax, without the assessment of civil penalties under KRS 131.180 or interest under KRS 131.183 during the ten (10) day period.*
- (c)
  - 1. *The ten (10) day payment period under paragraph (b) of this subsection shall not apply to the payment for units of cigarette tax evidence during the last ten (10) days of the month of June during each fiscal year.*
  - 2. *All payments for units of cigarette tax evidence made under paragraph (b) of this subsection during the month of June shall be made the earlier of:*
    - a. *The ten (10) day period; or*
    - b. *June 25.*
- (d) *If the licensed wholesaler does not make the payment of cigarette tax within the ten (10) day period, or within the period of time under paragraph (c) of this subsection, the department shall:*
  - 1. *Revoke the license required under KRS 138.195;*
  - 2. *Issue a demand for payment in an amount equal to the cigarette tax evidence purchased, plus all penalties, interest, and collection fees applicable to that amount; and*
  - 3. *Require immediate payment of the bond.*
- (6) (a) *The bond required under subsection (5) of this section shall be on a form and with a surety approved by the department.*
- (b) *The licensed wholesaler shall be named as the principal obligor and the department shall be named as the obligee within the bond.*
- (c) *The bond shall be conditioned upon the payment by the licensed wholesaler of all cigarette tax imposed by the Commonwealth.*
- (d) *The provisions of KRS 131.110 shall not apply to the demand for payment required under paragraph (c)2. of subsection (5) of this section.*
- (7) (a) No tax evidence may be affixed, or used in any way, by any person other than the person purchasing the evidence from the department.
- (b) Tax evidence may not be transferred or negotiated, and may not, by any scheme or device, be given, bartered, sold, traded, or loaned to any other person.
- (c) Unaffixed tax evidence may be returned to the department for credit or refund for any reason satisfactory to the department.
- ~~(8)(6)~~ (a) In the event any retailer receives into his possession cigarettes to which evidence of Kentucky tax payment is not properly affixed, the retailer shall, within twenty-four (24) hours, notify the department of the receipt.
- (b) The notification to the department shall be in writing, stating the name of the person from whom the cigarettes were received and the quantity of those cigarettes.
- (c) The written notice may be:

1. Given to any field agent of the department; or
  2. Directed to the commissioner of the Department of Revenue, Frankfort, Kentucky.
- (d) If the notice is given by means of the United States mail, it shall be sent by certified mail.
- (e) Any such cigarettes shall be retained by the retailer, and not sold, for a period of fifteen (15) days after giving the notice provided in this subsection.
- (f) The retailer may, at his option, pay the tax due on those cigarettes according to administrative regulations prescribed by the department, and proceed to sell those cigarettes after the payment.
- ~~(9)(7)~~ (a) Cigarettes stamped with the cigarette tax evidence of another state shall at no time be commingled with cigarettes on which the Kentucky cigarette tax evidence has been affixed.
- (b) Any licensed wholesaler, licensed sub-jobber, or licensed vending machine operator may hold cigarettes stamped with the tax evidence of another state for any period of time, subsection (2) of this section notwithstanding.

➔Section 40. 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 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.

- (2) (a) Tax does not apply to:
1. Sales of tangible personal property, digital property, or services to these 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;
  2. Sales of food to students in school cafeterias or lunchrooms;
  3. Sales by school bookstores of textbooks, workbooks, and other course materials;
  4. Sales by nonprofit, school sponsored clubs and organizations, provided such sales do not include tickets for athletic events;
  5. Sales of admissions, ***including the sales of admissions to a golf course when the admission is the result of a fundraising event***, by nonprofit educational, charitable, or religious institutions described in subsection (1) of this section. ***All other sales of admissions to a golf course by these institutions are not exempt from tax under this section;*** or
  6.
    - a. Fundraising event sales made by nonprofit educational, charitable, or religious institutions and limited liability companies described in subsection (1) of this section.
    - b. For the purposes of this subparagraph, "fundraising event sales" does not include sales related to the operation of a retail business, including but not limited to thrift stores, bookstores, surplus property auctions, recycle and reuse stores, or any ongoing operations in competition with for-profit retailers.
- (b) The exemptions provided in subparagraphs 5. and 6. of paragraph (a) of this subsection shall not apply to sales generated by or arising at a tourism development project approved under KRS 148.851 to 148.860.



- (3) 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).

- (4) Notwithstanding any other provision of law to the contrary, refunds under subsection (3) 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.
- (5) All other sales made by nonprofit educational, charitable, or religious institutions or limited liability companies described in subsection (1) of this section are taxable and the tax may be passed on to the purchaser as provided in KRS 139.210.

➔Section 41. KRS 139.498 is amended to read as follows:

- (1) (a) For nonprofit civic, governmental, or other nonprofit organizations, except as described in KRS 139.495 and 139.497, the taxes imposed by this chapter do not apply to:
- 1. The sale of admissions, ***including the sales of admissions to a golf course when the admission is the result of a fundraising event. All other sales of admissions to a golf course by these organizations are not exempt from tax under this section;*** or
  - 2. a. Fundraising event sales.
  - b. For the purposes of this paragraph, "fundraising event sales" does not include sales related to the operation of a retail business, including but not limited to thrift stores, bookstores, surplus property auctions, recycle and reuse stores, or any ongoing operations in competition with for-profit retailers.
- (b) The exemption provided in subparagraph 1. of paragraph (a) of this subsection shall not apply to the sale of admissions to a public facility that qualifies for a sales tax rebate under KRS 139.533.

- (2) All other sales made by organizations referred to in subsection (1) of this section are taxable.

➔Section 42. KRS 139.200 is amended to read as follows:

A tax is hereby imposed upon all retailers at the rate of six percent (6%) of the gross receipts derived from:

- (1) Retail sales of:
- (a) Tangible personal property, regardless of the method of delivery, made within this Commonwealth; and
  - (b) Digital property regardless of whether:
    - 1. The purchaser has the right to permanently use the property;
    - 2. The purchaser's right to access or retain the property is not permanent; or
    - 3. The purchaser's right of use is conditioned upon continued payment; and
- (2) The furnishing of the following:

- (a) The rental of any room or rooms, lodgings, campsites, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or any other place in which rooms, lodgings, campsites, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply to rooms, lodgings, campsites, or accommodations supplied for a continuous period of thirty (30) days or more to a person;
- (b) Sewer services;
- (c) The sale of admissions, except:
  - 1. Admissions to racetracks taxed under KRS 138.480;
  - 2. Admissions to historical sites exempt under KRS 139.482;
  - 3. Admissions taxed under KRS 229.031;
  - 4. Admissions ***that are*** charged by nonprofit educational, charitable, or religious institutions ***and for which an exemption is provided***~~exempt~~ under KRS 139.495; and
  - 5. Admissions ***that are*** charged by nonprofit civic, governmental, or other nonprofit organizations ***and for which an exemption is provided***~~exempt~~ under KRS 139.498;
- (d) Prepaid calling service and prepaid wireless calling service;
- (e) Intrastate, interstate, and international communications services as defined in KRS 139.195, except the furnishing of pay telephone service as defined in KRS 139.195;
- (f) Distribution, transmission, or transportation services for natural gas that is for storage, use, or other consumption in this state, excluding those services furnished:
  - 1. For natural gas that is classified as residential use as provided in KRS 139.470(7); or
  - 2. To a seller or reseller of natural gas;
- (g) Landscaping services, including but not limited to:
  - 1. Lawn care and maintenance services;
  - 2. Tree trimming, pruning, or removal services;
  - 3. Landscape design and installation services;
  - 4. Landscape care and maintenance services; and
  - 5. Snow plowing or removal services;
- (h) Janitorial services, including but not limited to residential and commercial cleaning services, and carpet, upholstery, and window cleaning services;
- (i) Small animal veterinary services, excluding veterinary services for equine, cattle, poultry, swine, sheep, goats, llamas, alpacas, ratite birds, buffalo, and cervids;
- (j) Pet care services, including but not limited to grooming and boarding services, pet sitting services, and pet obedience training services;
- (k) Industrial laundry services, including but not limited to industrial uniform supply services, protective apparel supply services, and industrial mat and rug supply services;
- (l) Non-coin-operated laundry and dry cleaning services;
- (m) Linen supply services, including but not limited to table and bed linen supply services and nonindustrial uniform supply services;
- (n) Indoor skin tanning services, including but not limited to tanning booth or tanning bed services and spray tanning services;
- (o) Non-medical diet and weight reducing services;
- (p) Limousine services, if a driver is provided; and
- (q) Extended warranty services.

➔Section 43. KRS 45A.077 is amended 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. The contracting body shall submit the final contract to the Capital Projects and Bond Oversight Committee under KRS 45.763 before work may be begun on the project.
- (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) (a) Beginning July 1, ~~2022~~~~{2020}~~, 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 specified by the General Assembly, 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.

- (b) The provisions of this subsection shall not apply to any public-private partnership project made public through a request for proposal or a public notice of an unsolicited proposal issued prior to July 1, ~~2022~~~~[2020]~~.
- (9) 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.
- (10) (a) The governing body of a postsecondary institution that manages its capital construction program under KRS 164A.580 shall report to the Capital Projects and Bond Oversight Committee staff as specified in 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.
- (11) (a) A person or business may submit an unsolicited proposal to a governmental body, which may receive the unsolicited proposal.
  - (b) Within ninety (90) 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. Discussion of the project shall not be deemed a solicitation of the project or its concepts after public notice is given. The public notice 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 for the submission of competing proposals as follows:
      - a. Unsolicited proposals valued below five million dollars (\$5,000,000) shall be posted for thirty (30) days;
      - b. Unsolicited proposals valued between five million dollars (\$5,000,000) and twenty-five million dollars (\$25,000,000) shall be posted for sixty (60) days; and
      - c. Unsolicited proposals valued over twenty-five million dollars (\$25,000,000) shall be posted for ninety (90) days.
  - (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 ninety (90) days of submission, during which time the governmental body has not taken any action on the proposal under paragraph (b) of this subsection.

➔Section 44. KRS 132.285 is amended to read as follows:

- (1) (a) Except as provided in subsection (3) of this section, any city may by ordinance elect to use the annual county assessment for property situated within the city as a basis of ad valorem tax levies ordered or approved by the legislative body of the city.
- (b) Any city making the election provided in paragraph (a) of this subsection shall notify the department and property valuation administrator prior to the next succeeding assessment to be used for city levies. In such event the assessment finally determined for county tax purposes shall serve as a basis of all city levies for the fiscal year commencing on or after the county assessment date.

- (c) Each city which elects to use the county assessment shall annually appropriate and pay each fiscal year to the office of the property valuation administrator for deputy and other authorized personnel allowance, supplies, maps and equipment, and other authorized expenses of the office one-half of one cent (\$0.005) for each one hundred dollars (\$100) of assessment, except that sums paid shall not be:
1. Less than two hundred fifty dollars (\$250); or
  2. More than:
    - a. Forty thousand dollars (\$40,000) in a city having an assessment subject to city tax of less than two billion dollars (\$2,000,000,000);
    - b. Fifty thousand dollars (\$50,000) in a city having an assessment subject to city tax of two billion dollars (\$2,000,000,000) or more, but less than three billion dollars (\$3,000,000,000);~~or~~
    - c. Sixty thousand dollars (\$60,000) in a city having an assessment subject to city tax of three billion dollars (\$3,000,000,000) *but less than six billion dollars (\$6,000,000,000); or* ~~more~~
    - d. ***One hundred thousand dollars (\$100,000) in a city having an assessment subject to city tax of six billion dollars (\$6,000,000,000) or more.***
- (d) This allowance shall be based on the assessment as of the previous January 1.
- (e) Each property valuation administrator shall file a claim with the city for the county assessment, which shall include the recapitulation submitted to the city pursuant to KRS 133.040(2).
- (f) The city shall order payment in an amount not to exceed the appropriation authorized by this section.
- (g) The property valuation administrator shall be required to account for all moneys paid to his or her office by the city and any funds unexpended by the close of each fiscal year shall carry over to the next fiscal year.
- (h) Notwithstanding any statutory provisions to the contrary, the assessment dates for the city shall conform to the corresponding dates for the county, and the city may by ordinance establish additional financial and tax procedures that will enable it effectively to adopt the county assessment.
- (i) The legislative body of any city adopting the county assessment may fix the time for levying the city tax rate, due and delinquency dates for taxes, and any other dates that will enable it effectively to adopt the county assessment, notwithstanding any statutory provisions to the contrary.
- (j) Any such city may, by ordinance, abolish any office connected with city assessment and equalization.
- (k) Any city which elects to use the county assessment shall have access to the assessment records as soon as completed and may obtain a copy of that portion of the records which represents the assessment of property within the city by additional payment of the cost thereof.
- (l) Once any city elects to use the county assessment, that action cannot be revoked without notice to the department and the property valuation administrator six (6) months prior to the next date as of which property is assessed for state and county taxes.
- (2) In the event any omitted property is assessed by the property valuation administrator as provided by KRS 132.310, the assessment shall be considered as part of the assessment adopted by the city according to subsection (1) of this section.
- (3) For purposes of the levy and collection of ad valorem taxes on motor vehicles, cities shall use the assessment required to be made pursuant to KRS 132.487(5).
- (4) Notwithstanding the provisions of subsection (1) of this section, each city which elects to use the county assessment for ad valorem taxes levied for 1996 or subsequent years, and which used the county assessment for ad valorem taxes levied for 1995, shall appropriate and pay to the office of the property valuation administrator for the purposes set out in subsection (1) of this section an amount equal to the amount paid to the office of the property valuation administrator in 1995, or the amount required by the provisions of subsection (1) of this section, whichever is greater.

➔Section 45. KRS 132.590 is amended to read as follows:

- (1) The compensation of the property valuation administrator shall be based on the schedule contained in subsection (2) of this section as modified by subsection (3) of this section. The compensation of the property valuation administrator shall be calculated by the Department of Revenue annually. Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.
- (2) The salary schedule for property valuation administrators provides for nine (9) levels of salary based upon the population of the county in the prior year as determined by the United States Department of Commerce, Bureau of the Census annual estimates. To implement the salary schedule, the department shall, by November 1 of each year, certify for each county the population group applicable to each county based on the most recent estimates of the United States Department of Commerce, Bureau of the Census. The salary schedule provides four (4) steps for yearly increments within each population group. Property valuation administrators shall be paid according to the first step within their population group for the first year or portion thereof they serve in office. Thereafter, each property valuation administrator, on January 1 of each subsequent year, shall be advanced automatically to the next step in the salary schedule until the maximum salary figure for the population group is reached. If the county population as certified by the department increases to a new group level, the property valuation administrator's salary shall be computed from the new group level at the beginning of the next year. A change in group level shall have no effect on the annual change in step. Prior to assuming office, any person who has previously served as a property valuation administrator must certify to the Department of Revenue the total number of years, not to exceed four (4) years, that the person has previously served in the office. The department shall place the person in the proper step based upon a formula of one (1) incremental step per full calendar year of service:

## SALARY SCHEDULE

County Population by Group	Steps and Salary for Property Valuation Administrators			
Group I	Step 1	Step 2	Step 3	Step 4
0-4,999	\$45,387	\$46,762	\$48,137	\$49,513
Group II				
5,000-9,999	49,513	50,888	52,263	53,639
Group III				
10,000-19,999	53,639	55,014	56,389	57,765
Group IV				
20,000-29,999	55,702	57,765	59,828	61,891
Group V				
30,000-44,999	59,828	61,891	63,954	66,017
Group VI				
45,000-59,999	61,891	64,641	67,392	70,143
Group VII				
60,000-89,999	66,017	68,768	71,518	74,269
Group VIII				
90,000-499,999	68,080	71,518	74,957	78,395
Group IX				
500,000 and up	72,206	75,644	79,083	82,521

- (3) (a) For calendar year 2000, the salary schedule in subsection (2) of this section shall be increased by the amount of increase in the annual consumer price index as published by the United States Department of Commerce for the year ended December 31, 1999. This salary adjustment shall take effect on July 14, 2000, and shall not be retroactive to the preceding January 1.

- (b) For each calendar year beginning after December 31, 2000, upon publication of the annual consumer price index by the United States Department of Commerce, the annual rate of salary for the property valuation administrator shall be determined by applying the increase in the consumer price index to the salary in effect for the previous year. This salary determination shall be retroactive to the preceding January 1.
  - (c) In addition to the step increases based on service in office, each property valuation administrator shall be paid an annual incentive of six hundred eighty-seven dollars and sixty-seven cents (\$687.67) per calendar year for each forty (40) hour training unit successfully completed based on continuing service in that office and, except as provided in this subsection, completion of at least forty (40) hours of approved training in each subsequent calendar year. If a property valuation administrator fails without good cause, as determined by the commissioner of the Kentucky Department of Revenue, to obtain the minimum amount of approved training in any year, the officer shall lose all training incentives previously accumulated. No property valuation administrator shall receive more than one (1) training unit per calendar year nor more than four (4) incentive payments per calendar year. Each property valuation administrator shall be allowed to carry forward up to forty (40) hours of training credit into the following calendar year for the purpose of satisfying the minimum amount of training for that year. This amount shall be increased by the consumer price index adjustments prescribed in paragraphs (a) and (b) of this subsection. Each training unit shall be approved and certified by the Kentucky Department of Revenue. Each unit shall be available to property valuation administrators in each office based on continuing service in that office. The Kentucky Department of Revenue shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish guidelines for the approval and certification of training units.
- (4) Notwithstanding any provision contained in this section, no property valuation administrator holding office on July 14, 2000, shall receive any reduction in salary or reduction in adjustment to salary otherwise allowable by the statutes in force on July 14, 2000.
  - (5) Deputy property valuation administrators and other authorized personnel may be advanced one (1) step in grade upon completion of twelve (12) months' continuous service. The Department of Revenue may make grade classification changes corresponding to any approved for department employees in comparable positions, so long as the changes do not violate the integrity of the classification system. Subject to availability of funds, the department may extend cost-of-living increases approved for department employees to deputy property valuation administrators and other authorized personnel, by advancement in grade.
  - (6) Beginning with the 1990-1992 biennium, the Department of Revenue shall prepare a biennial budget request for the staffing of property valuation administrators' offices. An equitable allocation of employee positions to each property valuation administrator's office in the state shall be made on the basis of comparative assessment work units. Assessment work units shall be determined from the most current objective information available from the United States Bureau of the Census and other similar sources of unbiased information. Beginning with the 1996-1998 biennium, assessment work units shall be based on parcel count per employee. The total sum allowed by the state to any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed the amount fixed by the Department of Revenue. However, each property valuation administrator's office shall be allowed as a minimum such funds that are required to meet the federal minimum wage requirements for two (2) full-time deputies.
  - (7) Beginning with the 1990-1992 biennium each property valuation administrator shall submit by June 1 of each year for the following fiscal year to the Department of Revenue a budget request for his office which shall be based upon the number of employee positions allocated to his office under subsection (6) of this section and upon the county and city funds available to his office and show the amount to be expended for deputy and other authorized personnel including employer's share of FICA and state retirement, and other authorized expenses of the office. The Department of Revenue shall return to each property valuation administrator, no later than July 1, an approved budget for the fiscal year.
  - (8) Each property valuation administrator may appoint any persons approved by the Department of Revenue to assist him in the discharge of his duties. Each deputy shall be more than twenty-one (21) years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator in accordance with the grade classification system established by the Department of Revenue and shall be subject to the approval of the Department of Revenue. The Personnel Cabinet shall provide advice and technical assistance to the Department of Revenue in the revision and updating of the personnel classification system, which shall be

equitable in all respects to the personnel classification systems maintained for other state employees. Any deputy property valuation administrator employed or promoted to a higher position may be examined by the Department of Revenue in accordance with standards of the Personnel Cabinet, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the Department of Revenue prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.

- (9) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator as its cost for use of the assessment, as required by KRS 132.280, an amount determined as follows:

Assessment Subject to

County Tax of:

At Least	But Less Than	Amount
----	\$100,000,000	\$0.005 for each \$100 of the first \$50,000,000 and \$0.002 for each \$100 over \$50,000,000.
\$100,000,000	150,000,000	\$0.004 for each \$100 of the first \$100,000,000 and \$0.002 for each \$100 over \$100,000,000.
150,000,000	300,000,000	\$0.004 for each \$100 of the first \$150,000,000 and \$0.003 for each \$100 over \$150,000,000.
300,000,000	----	\$0.004 for each \$100.

- (10) The total sum to be paid by the fiscal court to any property valuation administrator's office under the provisions of subsection (9) of this section shall not exceed the limits set forth in the following table:

Assessed Value of Property Subject to

County Tax of:

At Least	But Less Than	Limit
----	\$700,000,000	\$25,000
\$700,000,000	1,000,000,000	35,000
1,000,000,000	2,000,000,000	50,000
2,000,000,000	2,500,000,000	75,000
2,500,000,000	5,000,000,000	100,000
5,000,000,000	7,500,000,000	175,000
7,500,000,000	<b>15,000,000,000</b>	<b>250,000</b>
<b>15,000,000,000</b>	----	<b>400,000</b> <del>{250,000}</del>

This allowance shall be based on the assessment as of the previous January 1 and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office.

- (11) Annually, after appropriation by the county of funds required of it by subsection (9) of this section, and no later than August 1, the property valuation administrator shall file a claim with the county for that amount of the appropriation specified in his approved budget for compensation of deputies and assistants, including employer's shares of FICA and state retirement, for the fiscal year. The amount so requested shall be paid by the county into the State Treasury by September 1, or paid to the property valuation administrator and be submitted to the State Treasury by September 1. These funds shall be expended by the Department of Revenue



only for compensation of approved deputies and assistants and the employer's share of FICA and state retirement in the appropriating county. Any funds paid into the State Treasury in accordance with this provision but unexpended by the close of the fiscal year for which they were appropriated shall be returned to the county from which they were received.

- (12) After submission to the State Treasury or to the property valuation administrator of the county funds budgeted for personnel compensation under subsection (11) of this section, the fiscal court shall pay the remainder of the county appropriation to the office of the property valuation administrator on a quarterly basis. Four (4) equal payments shall be made on or before September 1, December 1, March 1, and June 1 respectively. Any unexpended county funds at the close of each fiscal year shall be retained by the property valuation administrator, except as provided in KRS 132.601(2). During county election years the property valuation administrator shall not expend in excess of forty percent (40%) of the allowances available to his office from county funds during the first five (5) months of the fiscal year in which the general election is held.
- (13) The provisions of this section shall apply to urban-county governments and consolidated local governments. In an urban-county government and a consolidated local government, all the rights and obligations conferred on fiscal courts or consolidated local governments by the provisions of this section shall be exercised by the urban-county government or consolidated local government.
- (14) When an urban-county form of government is established through merger of existing city and county governments as provided in KRS Chapter 67A or when a consolidated local government is established through merger of existing city and county governments as provided by KRS Chapter 67C, the annual county assessment shall be presumed to have been adopted as if the city had exercised the option to adopt as provided in KRS 132.285, ~~and the annual amount to be appropriated to the property valuation administrator's office shall be the combined amount that is required of the county under this section and that required of the city under KRS 132.285, except that the total shall not exceed one hundred thousand dollars (\$100,000) for any urban-county government or consolidated local government with an assessment subject to countywide tax of less than five billion dollars (\$5,000,000,000), one hundred seventy five thousand dollars (\$175,000) for an urban-county government or consolidated local government with an assessment subject to countywide tax between five billion dollars (\$5,000,000,000) and seven billion five hundred million dollars (\$7,500,000,000), and two hundred fifty thousand dollars (\$250,000) for an urban-county government or consolidated local government with an assessment subject to countywide tax in excess of seven billion five hundred million dollars (\$7,500,000,000)).~~ For purposes of this subsection, the amount to be considered as the assessment for purposes of KRS 132.285 shall be the amount subject to taxation for full urban services.
- (15) Notwithstanding the provisions of subsection (9) of this section, the amount appropriated and paid by each county fiscal court to the office of the property valuation administrator for 1996 and subsequent years shall be equal to the amount paid to the office of the property valuation administrator for 1995, or the amount required by the provisions of subsections (9) and (10) of this section, whichever is greater.

➔SECTION 46. A NEW SECTION OF KRS CHAPTER 143 IS CREATED TO READ AS FOLLOWS:

- (1) *A taxpayer engaged in severing or processing coal within this Commonwealth that has paid the tax imposed under KRS 143.020 may apply for a refund equal to the amount of tax paid under KRS 143.020 if the coal is transported directly to a market outside of North America.*
- (2) *To apply for the refund allowed under subsection (1) of this section the taxpayer shall file an application for refund with the department and submit all information and documentation necessary to substantiate that the tax was paid upon the coal which was transported directly to a market outside of North America.*
- (3) *The refund process allowed under subsection (1) of this section is available beginning on or after August 1, 2020, but before July 1, 2022, and limited during any calendar year to the export of a combined total of ten million (10,000,000) tons of coal subject to the tax imposed under KRS 143.020 and exported through United States coal export terminals to markets outside of North America.*

➔Section 47. KRS 103.200 is amended to read as follows:

As used in KRS 103.200 to 103.285:

- (1) "Building" or "industrial building" means any land and building or buildings (including office space related and subordinate to any of the facilities enumerated below), any facility or other improvement thereon, and all real and personal properties, including operating equipment and machinery deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for the following or any combination thereof:

- (a) Any activity, business, or industry for the manufacturing, processing or assembling of any commercial product, including agricultural, mining, or manufactured products *and solar-generated electricity*, together with storage, warehousing, and distribution facilities in respect thereof;
  - (b) Any undertaking involving the construction, reconstruction, and use of airports, mass commuting facilities, ship canals, ports or port facilities, docks or wharf facilities or harbor facilities, off-street parking facilities or of railroads, monorails, or tramways, railway or airline terminals, cable television, mass communication facilities, and related facilities;
  - (c) Any buildings, structures, and facilities, including the site thereof and machinery, equipment, and furnishings suitable for use as health-care or related facilities, including without limitation hospitals, clinics, nursing homes, research facilities, extended or long-term care facilities, including housing for the aged or the infirm and all buildings, structures, and facilities deemed necessary or useful in connection therewith;
  - (d) Any nonprofit educational institution in any manner related to or in furtherance of the educational purposes of such institution, including but not limited to classroom, laboratory, housing, administrative, physical educational, and medical research and treatment facilities;
  - (e) Any facilities for any recreation or amusement park, public park, or theme park, including specifically facilities for the use of nonprofit entities in making recreational and cultural benefits available to the public;
  - (f) Any facilities involving manufacturing and service industries which process raw agricultural products, including timber, provide value-added functions, or supply ingredients used for production of basic agricultural crops and products;
  - (g) Any facilities incident to the development of industrial sites, including land costs and the costs of site improvements thereon, such as grading, streets, drainage, storm and sanitary sewers, and other facilities and structures incidental to the use of such site or sites for industrial use;
  - (h) Any facilities for the furnishing of water, if available on reasonable demand to members of the general public;
  - (i) Any facilities for the extraction, production, grading, separating, washing, drying, preparing, sorting, loading, and distribution of mineral resources, together with related facilities;
  - (j) Any convention or trade show facilities, together with all related and subordinate facilities necessary to the development and proper utilization thereof;
  - (k) Any facilities designed and constructed to be used as hotels and/or motels, together with all related and subordinate facilities necessary to the operation thereof, including site preparation and similar facilities;
  - (l) Any activity designed for the preservation of residential neighborhoods, provided that such activity receives approval of the heritage division and insures the preservation of not fewer than four (4) family units;
  - (m) Any activity designed for the preservation of commercial or residential buildings which are on the National Register of Historic Places or within an area designated as a national historic district or approved by the heritage division;
  - (n) Any activity, including new construction, designed for revitalization or redevelopment of downtown business districts as designated by the issuer; and
  - (o) Any use by an entity recognized by the Internal Revenue Service as an organization described in 26 U.S.C. sec. 501(c)(3) in any manner related to or in the furtherance of that entity's exempt purposes where the use would also qualify for federally tax-exempt financing under the rules applicable to a qualified 501(c)(3) bond as defined in 26 U.S.C. sec. 145.
- (2) "Bonds" or "negotiable bonds" means bonds, notes, variable rate bonds, commercial paper bonds, bond anticipation notes, or any other obligations for the payment of money issued by a city, county, or other authority pursuant to KRS 103.210 to 103.285.
- (3) "Substantiating documentation" means an independent finding, study, report, or assessment of the economic and financial impact of a project, which shall include a review of customary business practices, terms, and conditions for similar types of projects, both taxable and tax-exempt, in the current market environment.

➔Section 48. KRS 95A.210 is amended to read as follows:

As used in KRS 95A.200 to 95A.300, unless the context otherwise requires:

- (1) "Commission" means the Commission on Fire Protection Personnel Standards and Education established pursuant to KRS 95A.020;
- (2) "Established work schedule" means a work schedule adopted by or required of a local government setting a recurring pattern for time on and off duty for professional firefighters employed by the local government. An established work schedule includes but is not limited to a schedule of twenty-four (24) consecutive hours on duty, followed by forty-eight (48) consecutive hours off duty;
- (3) "Executive director" means the executive director of the Commission on Fire Protection Personnel Standards and Education;
- (4) "Fund" means Firefighters Foundation Program Fund;
- (5) "Local government" means any city, county, urban-county government, charter county government, unified local government, consolidated local government, *air board created under KRS Chapter 183*, or any combination thereof of the Commonwealth;
- (6) "Professional firefighter" means any member of a paid municipal fire department organized under KRS Chapter 95, 67A, or 67C, a fire protection district organized under KRS Chapter 75, ~~or~~ a county fire department created pursuant to KRS Chapter 67, *or any firefighter employed by an air board created under KRS Chapter 183*;
- (7) "Program" means the Alan "Chip" Terry Professional Development and Wellness Program for firefighters established in KRS 95A.292;
- (8) "Scheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which regularly recurs as part of an established work schedule; and
- (9) "Unscheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which does not regularly recur as part of an established work schedule.

➔Section 49. KRS 65.710 is amended to read as follows:

In order to enable cities and counties to fulfill their obligations regarding the public health, safety, and welfare, the General Assembly does hereby allow cities and counties to contract with private persons, partnerships, or corporations for providing ambulance service to the residents of such cities and counties subject to the following conditions:

- (1) These contracts must be in writing and must be approved by the legislative body of the city if a city is party thereto, or by the fiscal court in case a county is party thereto.
- (2) No contract shall be made with an ambulance service or other organization or person unless the contract shall stipulate that at least one (1) person on each ambulance run shall possess currently valid emergency medical technician certification.
- (3) All contracts made with any ambulance service or other organization or person shall stipulate that all vehicles used for operation of the service comply with vehicle and equipment administrative regulations issued by the Cabinet for Health and Family Services.
- (4) All contracts shall include the stipulation that at least two (2) trained persons, one (1) driver and one (1) attendant, shall be carried on each ambulance for each ambulance call which is covered by the contract.
- (5) No contract shall be made for a period of time greater than *four (4) years* ~~one (1) year~~.
- (6) The vehicle, equipment, training, and personnel requirements of subsections (2), (3), and (4) of this section shall also apply to the operation of an ambulance service by a city or a county or by a city and a county jointly.
- (7) No provisions of this section shall be construed as to limit the power of any city or county to contract for or operate ambulance services under requirements which are stricter than those of this section, or to require insurance, or bonding of contractors, provided these provisions are not in conflict with the requirements of this section.

➔Section 50. KRS 138.130 is amended to read as follows:

As used in KRS 138.130 to 138.205:

- (1) (a) "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.
- (b) "Chewing tobacco" does not include snuff;
- (2) ~~[(a)]~~ "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, except tobacco~~[-~~
- ~~(b) "Cigarettes" does not include reference tobacco products or electronic cigarettes];~~
- (3) "Cigarette tax" means the group of taxes consisting of:
  - (a) The tax imposed by KRS 138.140(1)(a);
  - (b) The surtax imposed by KRS 138.140(1)(b); and
  - (c) The surtax imposed by KRS 138.140(1)(c);
- (4) (a) ***"Closed vapor cartridge" means a pre-filled disposable cartridge that:***
  - 1. Is intended to be used with or in a noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to deliver vaporized or aerosolized nicotine, non-nicotine substances, or other materials to users that may be inhaling from the product such as any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device and every variation thereof, regardless of whether marketed as such; and***
  - 2. Contains nicotine or non-nicotine substances or other material consumed during the process of vaporization or aerosolization.***
- (b) ***"Closed vapor cartridge" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;***
- (5) "Department" means the Department of Revenue;
- (6)~~[(5)]~~ "Distributor" means any person within this state in possession of tobacco products ***or vapor products*** for resale within this state on which the tobacco products tax imposed under KRS 138.140(2) has not been paid;
- (7)~~[(6)]~~ "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;
- (8)~~[(7)]~~ "Manufacturer" means any person who manufactures or produces cigarettes or tobacco products within or without this state;
- (9)~~[(8)]~~ "Nonresident wholesaler" means any person who purchases cigarettes directly from the manufacturer and maintains a permanent location outside this state where Kentucky cigarette tax evidence is attached or from where Kentucky cigarette tax is reported and paid;
- (10)~~[(9)]~~ (a) ***"Open vaping system" means:***
  - 1. Any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that uses a refillable liquid solution to deliver vaporized or aerosolized nicotine, non-nicotine substances, or other materials to users that may be inhaling from the product such as any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such; and***
  - 2. Any liquid solution that is intended to be used with the product described in subparagraph 1. of this paragraph.***

- (b) *"Open vaping system" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;*
- (11) "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;
- (12)~~(10)~~ "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;
- (13)~~(11)~~ "Reference~~[-tobacco]~~ products" means tobacco products, **vapor products**, or 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;
- (14)~~(12)~~ "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 cigarette tax is unpaid, and who maintains an established place of business in this state where the wholesaler attaches cigarette tax evidence or receives untax-paid cigarettes;
- (15)~~(13)~~ "Retail distributor" means a retailer who has obtained a retail distributor's license under KRS 138.195;
- (16)~~(14)~~ "Retailer" means any person who sells to a consumer or to any person for any purpose other than resale;
- (17)~~(15)~~ "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;
- (18)~~(16)~~ "Sale at retail" means a sale to any person for any other purpose other than resale;
- (19)~~(17)~~ "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;
- (20)~~(18)~~ (a) "Snuff" means tobacco that:
- 1. Is finely cut, ground, or powdered; and
  - 2. Is not for smoking.
- (b) "Snuff" includes snus;
- (21)~~(19)~~ "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 cigarette tax 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;
- (22)~~(20)~~ "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 cigarette taxes;
- (23)~~(21)~~ "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 cigarettes;
- (24)~~(22)~~ "Tobacco products tax" means the tax imposed by KRS 138.140(2)(a)1. to 3.;

- (25)~~((23))~~ "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;
- (26)~~((24))~~ "Unclassified acquirer" means any person in this state who acquires cigarettes from any source on which the cigarette tax has not been paid, and who is not a person otherwise required to be licensed under KRS 138.195;
- (27)~~((25))~~ "Untax-paid cigarettes" means any cigarettes on which the cigarette tax imposed by KRS 138.140 has not been paid;
- (28)~~((26))~~ "Untax-paid tobacco *or vapor* products" means any tobacco products *or vapor products* on which the ~~tobacco products~~ tax imposed by KRS 138.140(2) has not been paid;~~[-and]~~
- (29) "*Vapor products*" means a closed vapor cartridge or an open vaping system;
- (30) "*Vapor products tax*" means tax imposed under subsection (2)(a)4. and 5. of Section 53 of this Act; and
- (31)~~((27))~~ "Vending machine operator" means any person who operates one (1) or more cigarette vending machines.

➔Section 51. KRS 138.132 is amended to read as follows:

- (1) It is the declared legislative intent of KRS 138.130 to 138.205 that any untax-paid tobacco products *or vapor products* held, owned, possessed, or in control of any person other than as provided in KRS 138.130 to 138.205 are contraband and subject to seizure and forfeiture as set out in this section.
- (2)
  - (a) If a retailer, who is not a licensed retail distributor, purchases tobacco products *or vapor products* from a licensed distributor and the purchase invoice does not contain the separate identification and display of the tobacco products tax *or vapor products tax*, the retailer shall, within twenty-four (24) hours, notify the department in writing.
  - (b) The notification shall include the name and address of the person from whom the tobacco products *or vapor products* were purchased and a copy of the purchase invoice.
  - (c) The tobacco products *or vapor products* for which the required information was not included on the invoice shall be retained by the retailer, and not sold, for a period of fifteen (15) days after giving the proper notice as required by this subsection.
  - (d) After the fifteen (15) day period, the retailer may pay the tax due on the tobacco products *or vapor products* described in paragraph (c) of this subsection according to administrative regulations promulgated by the department, and after which may proceed to sell the tobacco products *or vapor products*.
- (3) If a retailer, who is not a licensed retail distributor, purchases tobacco products *or vapor products* for resale from a person not licensed under KRS 138.195(7), which is prohibited by KRS 138.140(2), the retailer may not sell those tobacco products *or vapor products* until the retailer applies for and is granted a retail distributor's license under KRS 138.195(7)(b).
- (4) If, upon examination, the department determines that the retailer has failed to comply with the provisions of subsection (3) of this section, the retailer shall pay all tax and interest and applicable penalties due and the following shall apply:
  - (a) For the first offense, an additional penalty shall be assessed equal to ten percent (10%) of the tax due;
  - (b) For a second offense within three (3) years or less of the first offense, an additional penalty shall be assessed equal to twenty-five percent (25%) of the tax due; and
  - (c) For a third offense or subsequent offense within three (3) years or less of the first offense, the tobacco products *or vapor products* shall be contraband and subject to seizure and forfeiture as provided in subsection (5) of this section.
- (5)
  - (a) Whenever a representative of the department finds contraband tobacco products *or contraband vapor products* within the borders of this state, the tobacco products *or vapor products* shall be immediately seized and stored in a depository to be determined by the representative.
  - (b) At the time of seizure, the representative shall deliver to the person in whose custody the tobacco products *or vapor products* are found a receipt for the seized products. The receipt shall state on its face

that any inquiry concerning any tobacco products *or vapor products* seized shall be directed to the commissioner of the Department of Revenue, Frankfort, Kentucky.

- (c) Immediately upon seizure, the representative shall notify the commissioner of the nature and quantity of the tobacco products *or vapor products* seized. Any seized tobacco products *or vapor products* shall be held for a period of twenty (20) days, and if after that period no person has claimed the tobacco products *or vapor products* as his or her property, the commissioner shall cause the tobacco products *or vapor products* to be destroyed.
- (6) All fixtures, equipment, materials, and personal property used in substantial connection with the sale or possession of tobacco products *or vapor products* involved in a knowing and intentional violation of KRS 138.130 to 138.205 shall be contraband and subject to seizure and forfeiture as follows:
  - (a) The department's representative shall seize the property and store the property in a safe place selected by the representative; and
  - (b) The representative shall proceed as provided in KRS 138.165(2). The commissioner shall cause the property to be sold after notice published pursuant to KRS Chapter 424. The proceeds from the sale shall be applied as provided in KRS 138.165(2).
- (7) The owner or any person having an interest in the fixtures, materials, or personal property that has been seized as provided by subsection (6) of this section may apply to the commissioner for remission of the forfeiture for good cause shown. If it is shown to the satisfaction of the commissioner that the owner or person having an interest in the property was without fault, the department shall remit the forfeiture.
- (8) Any party aggrieved by an order entered under this section may appeal to the Kentucky Claims Commission pursuant to KRS 49.220.

➔Section 52. KRS 138.135 is amended to read as follows:

- (1) (a) Every manufacturer, whether located in this state or outside this state, that ships tobacco products *or vapor products* to a distributor, retailer, retail distributor, or any other person located in this state shall file a report with the department on or before the twentieth day of each month identifying all such shipments made by the manufacturer during the preceding month. The department, within its discretion, may allow a manufacturer to file the report for periods other than monthly.
- (b) The reports shall identify:
  - 1. The names and addresses of the persons in this state to whom the shipments were made;
  - 2. The quantities of tobacco products *and vapor products* shipped, by type of product and brand; and
  - 3. Any other information the department may require.
- (2) Each licensed distributor and each licensed retail distributor shall keep in each licensed place of business complete and accurate records for that place of business, including:
  - (a) Itemized invoices of:
    - 1. Tobacco products *and vapor products* purchased, manufactured, imported, or caused to be imported into this state from outside this state, or shipped or transported to other distributors or retailers in this state or outside this state, including type of product and brand;
    - 2. All sales of tobacco products *and vapor products*, including sales of tobacco products *and vapor products* manufactured or produced in this state, including type of product and brand; and
    - 3. All tobacco products *and vapor products* transferred to retail outlets owned or controlled by the licensed distributor, including type of product and brand; and
  - (b) Any other records required by the department.
- (3) Each retailer of tobacco products *or vapor products* shall keep complete and accurate records of all purchases of tobacco products *or vapor products*, including invoices that identify:
  - (a) The distributor's name and address;
  - (b) The name, quantity, and purchase price of the product purchased;
  - (c) The license number of the distributor licensed under KRS 138.195(7); and

(d) The tobacco products tax *or the vapor products tax* imposed by *Section 53 of this Act* ~~[KRS 138.140]~~.

- (4) All books, records, invoices, and documents required by this section shall be preserved, in a form prescribed by the department, for not less than four (4) years from the making of the records unless the department authorizes, in writing, the destruction of the records.

➔Section 53. KRS 138.140 is amended to read as follows:

- (1) (a) 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.
- (b) Effective July 1, 2018, a surtax shall be paid in addition to the tax levied in paragraph (a) of this subsection at a proportionate rate of one dollar and six cents (\$1.06) on each twenty (20) cigarettes.
- (c) A surtax shall be paid in addition to the tax levied in paragraph (a) of this subsection and in addition to the surtax levied by paragraph (b) of this subsection, at a proportionate rate of one cent (\$0.01) on each twenty (20) cigarettes. The revenues from this surtax shall be deposited in the cancer research institutions matching fund created in KRS 164.043.
- (d) The surtaxes imposed by paragraphs (b) and (c) of this subsection shall be paid at the time that the tax imposed by paragraph (a) of this subsection is paid.
- (2) (a) 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;
  - 4. Upon closed vapor cartridges, one dollar and fifty cents (\$1.50) per cartridge; and**
  - 5. Upon open vaping systems, fifteen percent (15%) of the actual price for which the distributor sells the open vaping system.**
- (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 untax-paid 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 untax-paid snuff, at the same rate levied by paragraph (a)1. of this subsection;
  - b. On purchases of untax-paid chewing tobacco, at the same rates levied by paragraph (a)2. of this subsection; ~~and~~
  - c. On purchases of untax-paid tobacco products, except snuff and chewing tobacco, fifteen percent (15%) of the total purchase price as invoiced by the retail distributor's supplier;



- d. *On purchases of untax-paid closed vapor cartridges, at the same rate levied by paragraph (a)4. of this subsection; and*
  - e. *On purchases of untax-paid open vaping systems, 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 *or vapor 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 *or vapor 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 *or vapor products* under this subsection that are not within the taxing power of this state under the Commerce Clause of the United States Constitution.
- (3) (a) The taxes imposed by subsections (1) and (2) of this section:
  - 1. Shall not apply to reference~~[-tobacco]~~ products; and
  - 2. Shall be paid only once, regardless of the number of times the cigarettes or tobacco products may be sold.
- (b) The taxes imposed by subsection (1)(a) and (b) and subsection (2) of this section shall be reduced by:
  - 1. Fifty percent (50%) on any product as to which a modified risk tobacco product order is issued under 21 U.S.C. sec. 387k(g)(1); or
  - 2. Twenty-five percent (25%) for any product as to which a modified risk tobacco product order is issued under 21 U.S.C. sec. 387k(g)(2).
- (4) A reference~~[-tobacco]~~ product shall carry a marking labeling the contents as a research cigarette, *research vapor product*, or a research tobacco product to be used only for tobacco-health research and experimental purposes and shall not be offered for sale, sold, or distributed to consumers.
- (5) The department may prescribe forms and promulgate administrative regulations to execute and administer the provisions of this section.
- (6) 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.
- (7) Any person subject to the taxes imposed under subsections (1) and (2) of this section that:
  - (a) Files an application related to a modified risk tobacco product shall report to the department that an application has been filed within thirty (30) days of that filing; and
  - (b) Receives an order authorizing the marketing of a modified risk tobacco product shall report to the department that an authorizing order has been received.

- (8) Upon receipt of the information required by subsection (7)(b) of this section, the department shall reduce the tax imposed on the modified risk tobacco product as required by subsection (3)(b) of this section on the first day of the calendar month following the expiration of forty-five (45) days following receipt of the information required by subsection (7)(b) of this section.

➔Section 54. KRS 138.183 is amended to read as follows:

- (1) Notwithstanding any other provision of this chapter to the contrary, the president, vice president, secretary, treasurer, or any other person holding any equivalent corporate office of any corporation subject to the provisions of KRS 138.130 to 138.205 shall be personally and individually liable, both jointly and severally, for the ***taxes imposed by Section 53 of this Act***~~cigarette tax and the tobacco products tax~~.
- (2) Corporate dissolution, withdrawal of the corporation from the state, or the cessation of holding any corporate office shall not discharge the liability of any person. The personal and individual liability shall apply to every person holding a corporate office at the time the tax becomes or became due.
- (3) Notwithstanding any other provision of this chapter, KRS 275.150, 362.1-306(3) or predecessor law, or KRS 362.2-404(3) to the contrary, the managers of a limited liability company, the partners of a limited liability partnership, and the general partners of a limited liability limited partnership or any other person holding any equivalent office of a limited liability company, limited liability partnership or limited liability limited partnership subject to the provisions of KRS 138.130 to 138.205 shall be personally and individually liable, both jointly and severally, for the ***taxes imposed by Section 53 of this Act***~~cigarette tax and the tobacco products tax~~.
- (4) Dissolution, withdrawal of the limited liability company, limited liability partnership, or limited liability limited partnership from the state, or the cessation of holding any office shall not discharge the liability of any person. The personal and individual liability shall apply to every manager of a limited liability company, partner of a limited liability partnership or general partner of a limited liability limited partnership at the time the tax becomes or became due.
- (5) No person shall be personally and individually liable under this section who had no authority to collect, truthfully account for, or pay over any ***tax imposed by Section 53 of this Act***~~cigarette tax or tobacco products tax~~ at the time the taxes imposed become or became due.
- (6) "Taxes" as used in this section include interest accrued at the rate provided by KRS 131.183, all applicable penalties imposed under the provisions of this chapter, and all applicable penalties imposed under the provisions of KRS 131.180, 131.410 to 131.445, and 131.990.

➔Section 55. KRS 138.195 is amended to read as follows:

- (1)
  - (a) No person other than a manufacturer shall acquire cigarettes in this state on which the Kentucky cigarette tax has not been paid, nor act as a resident wholesaler, nonresident wholesaler, vending machine operator, sub-jobber, transporter or unclassified acquirer of such cigarettes without first obtaining a license from the department as set out in this section.
  - (b) No person shall act as a distributor of tobacco products ***or vapor products*** without first obtaining a license from the department as set out in this section.
  - (c) For licenses effective for periods beginning on or after July 1, 2015, no individual, entity, or any other group or combination acting as a unit may be eligible to obtain a license under this section if the individual, or any partner, director, principal officer, or manager of the entity or any other group or combination acting as a unit has been convicted of or entered a plea of guilty or nolo contendere to:
    1. A crime relating to the reporting, distribution, sale, or taxation of cigarettes,~~[-or]~~ tobacco products, ***or vapor products***; or
    2. A crime involving fraud, falsification of records, improper business transactions or reporting; for ten (10) years from the expiration of probation or final discharge from parole or maximum expiration of sentence.
- (2)
  - (a) Each resident wholesaler shall secure a separate license for each place of business at which cigarette tax evidence is affixed or at which cigarettes on which the Kentucky cigarette tax has not been paid are received.
  - (b) Each nonresident wholesaler shall secure a separate license for each place of business at which evidence of Kentucky cigarette tax is affixed or from where Kentucky cigarette tax is reported and paid.

- (c) Each license shall be secured on or before July 1 of each year.
  - (d) Each licensee shall pay the sum of five hundred dollars (\$500) for each year, or portion thereof, for which each license is secured.
- (3)
- (a) Each sub-jobber shall secure a separate license for each place of business from which cigarettes, upon which the cigarette tax has been paid, are made available to retailers, whether the place of business is located within or without this state.
  - (b) Each license shall be secured on or before July 1 of each year.
  - (c) Each licensee shall pay the sum of five hundred dollars (\$500) for each year, or portion thereof, for which each license is secured.
- (4)
- (a) Each vending machine operator shall secure a license for the privilege of dispensing cigarettes, on which the cigarette tax has been paid, by vending machines.
  - (b) Each license shall be secured on or before July 1 of each year.
  - (c) Each licensee shall pay the sum of twenty-five dollars (\$25) for each year, or portion thereof, for which each license is secured.
  - (d) No vending machine shall be operated within this Commonwealth without having prominently affixed thereto the name of its operator and the license number assigned to that operator by the department.
  - (e) The department shall prescribe by administrative regulation the manner in which the information shall be affixed to the vending machine.
- (5)
- (a) Each transporter shall secure a license for the privilege of transporting cigarettes within this state.
  - (b) Each license shall be secured on or before July 1 of each year.
  - (c) Each licensee shall pay the sum of fifty dollars (\$50) for each year, or portion thereof, for which each license is secured.
  - (d) No transporter shall transport any cigarettes without having in actual possession an invoice or bill of lading therefor, showing:
    - 1. The name and address of the consignor and consignee;
    - 2. The date acquired by the transporter;
    - 3. The name and address of the transporter;
    - 4. The quantity of cigarettes being transported; and
    - 5. The license number assigned to the transporter by the department.
- (6) Each unclassified acquirer shall secure a license for the privilege of acquiring cigarettes on which the cigarette tax has not been paid. The license shall be secured on or before July 1 of each year. Each licensee shall pay the sum of fifty dollars (\$50) for each year, or portion thereof, for which the license is secured.
- (7)
- (a)
    - 1. Each distributor shall secure a license for the privilege of selling tobacco products *or vapor products* in this state. Each license shall be secured on or before July 1 of each year, and each licensee shall pay the sum of five hundred dollars (\$500) for each year, or portion thereof, for which the license is secured.
    - 2.
      - a. A resident wholesaler, nonresident wholesaler, or subjobber licensed under this section may also obtain and maintain a distributor's license at each place of business at no additional cost each year.
      - b. An unclassified acquirer licensed under this section may also obtain and maintain a distributor's license for the privilege of selling tobacco products *or vapor products* in this state. The license shall be secured on or before July 1 of each year, and each licensee shall pay the sum of four hundred fifty dollars (\$450) for each year, or portion thereof, for which the license is secured.
    - 3. The department may, upon application, grant a distributor's license to a person other than a retailer and who is not otherwise required to hold a distributor's license under this paragraph. If the department grants the license, the licensee shall pay the sum of five hundred dollars (\$500)

for each year, or portion thereof, for which the license is secured, and the licensee shall be subject to the excise tax in the same manner and subject to the same requirements as a distributor required to be licensed under this paragraph.

- (b) The department may, upon application, grant a retail distributor's license to a retailer for the privilege of purchasing tobacco products *or vapor products* from a distributor not licensed by the department. If the department grants the license, the licensee shall pay the sum of one hundred dollars (\$100) for each year, or portion thereof, for which the license is secured.
- (8) Nothing in KRS 138.130 to 138.205 shall be construed to prevent the department from requiring a person to purchase more than one (1) license if the nature of that person's business is so diversified as to justify the requirement.
- (9)
  - (a) The department may by administrative regulation require any person requesting a license or holding a license under this section to supply such information concerning his business, sales or any privilege exercised, as is deemed reasonably necessary for the regulation of the licensees, and to protect the revenues of the state.
  - (b) Failure on the part of the applicant or licensee to:
    - 1. Comply with KRS 131.600 to 131.630, 138.130 to 138.205, 248.752, or 248.754 or any administrative regulations promulgated thereunder; or
    - 2. Permit an inspection of premises, machines, or vehicles by an authorized agent of the department at any reasonable time;shall be grounds for the denial or revocation of any license issued by the department, after due notice and a hearing by the department.
  - (c) The commissioner may assign a time and place for the hearing and may appoint a conferee who shall conduct a hearing, receive evidence, and hear arguments.
  - (d) The conferee shall thereupon file a report with the commissioner together with a recommendation as to the denial or revocation of the license.
  - (e) From any denial or revocation made by the commissioner on the report, the licensee may prosecute an appeal to the Kentucky Claims Commission pursuant to KRS 49.220.
  - (f) Any person whose license has been revoked for the willful violation of any provision of KRS 131.600 to 131.630, 138.130 to 138.205, 248.752, or 248.754 or any administrative regulations promulgated thereunder shall not be entitled to any license provided for in this section, or have any interest in any license, either disclosed or undisclosed, either as an individual, partnership, corporation or otherwise, for a period of two (2) years after the revocation.
- (10) No license issued pursuant to this section shall be transferable or negotiable except that a license may be transferred between an individual and a corporation, if that individual is the exclusive owner of that corporation, or between a subsidiary corporation and its parent corporation.
- (11) Every manufacturer located or doing business in this state and the first person to import cigarettes into this state shall keep written records of all shipments of cigarettes to persons within this state, and shall submit to the department monthly reports of such shipments. All books, records, invoices, and documents required by this section shall be preserved in a form prescribed by the department for not less than four (4) years from the making of the records unless the department authorizes, in writing, the destruction of the records.
- (12) No person licensed under this section except nonresident wholesalers shall either sell to or purchase from any other such licensee untax-paid cigarettes.
- (13)
  - (a) Licensed distributors of tobacco products *or vapor products* shall pay and report the tobacco products tax *or vapor products tax* on or before the twentieth day of the calendar month following the month in which the possession or title of the tobacco products *or vapor products* are transferred from the licensed distributor to retailers or consumers in this state, as the case may be.
  - (b) Retailers who have applied for and been granted a retail distributor's license for the privilege of purchasing tobacco products *or vapor products* from a person who is not a distributor licensed under KRS 138.195(7)(a) shall report and pay the tobacco products tax *or vapor products tax* on or before the twentieth day of the calendar month following the month in which the products are acquired by the licensed retail distributors.

- (c) If the distributor or retail distributor timely reports and pays the tax due, the distributor or retail distributor may deduct an amount equal to one percent (1%) of the tax due.
- (d) The department shall promulgate administrative regulations setting forth the details of the reporting requirements.
- (14) A tax return shall be filed for each reporting period whether or not tax is due.
- (15) Any license issued by the department under this section shall not be construed to waive or condone any violation that occurred or may have occurred prior to the issuance of the license and shall not prevent subsequent proceedings against the licensee.
- (16) (a) The department may deny the issuance of a license under this section if:
  - 1. The applicant has made any material false statement on the application for the license; or
  - 2. The applicant has violated any provision of KRS 131.600 to 131.630, 138.130 to 138.205, 248.754, or 248.756 or any administrative regulations promulgated thereunder.
- (b) If the department denies the applicant a license under this section, the department shall notify the applicant of the grounds for the denial, and the applicant may request a hearing and appeal the denial as provided in subsection (9) of this section.

➔Section 56. KRS 138.197 is amended to read as follows:

The department shall publish and maintain on its Web site an up-to-date list of tobacco products *and vapor products* distributors licensed under KRS 138.195(7).

➔SECTION 57. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

**(1) As used in this section:**

- (a) *"Administrative adjustment request" means an administrative adjustment request filed by a partnership under Section 6227 of the Internal Revenue Code;*
- (b) *"Audited partnership" means a partnership subject to a partnership level audit resulting in a federal adjustment;*
- (c) *"Corporate partner" means a partner that is subject to tax under KRS 141.040;*
- (d) *"Direct partner" means a partner that holds an interest directly in a partnership or pass-through entity;*
- (e) *"Exempt partner" means a partner that is exempt from taxation under KRS 141.040 (a) or (b);*
- (f) *1. "Federal adjustment" means a change to an item or amount determined under the Internal Revenue Code that is used by a taxpayer to compute income tax owed to the Commonwealth, whether that change results from action by the:*
  - a. Internal Revenue Service, including a partnership level audit; or*
  - b. Filing of an amended federal return, federal refund claim, or an administrative adjustment request by the taxpayer.*
- 2. A federal adjustment is positive to the extent that it increases net income or taxable net income and is negative to the extent that it decreases net income or taxable net income;*
- (g) *"Federal adjustments report" includes methods or forms required by the department for use by a taxpayer to report final federal adjustments, including an amended income tax return, information return, or a uniform multistate report;*
- (h) *"Federal partnership representative" means the person:*
  - 1. The partnership designates for the taxable year as the partnership's representative; or*
  - 2. The Internal Revenue Service has appointed to act as the federal partnership representative, under Section 6223 (a) of the Internal Revenue Code;*
- (i) *"Final determination date" means the following:*
  - 1. a. Except as provided in subparagraphs 2. and 3. of this paragraph, if the federal adjustment arises from any action by the Internal Revenue Service, the final*

*determination date is the first day on which no federal adjustments arising from that action remain to be finally determined, whether by Internal Revenue Service decision with respect to which all rights of appeal have been waived or exhausted, by agreement, or, if appealed or contested, by a final decision with respect to which all rights of appeal have been waived or exhausted.*

- b. *For agreements required to be signed by the Internal Revenue Service and the taxpayer, the final determination date is the date upon which the last party signed the agreement;*
- 2. *For federal adjustments arising from any action by the Internal Revenue Service, if the taxpayer filed as a member of a consolidated return under KRS 141.201 or a combined report under KRS 141.202, the final determination date means the first day on which no related federal adjustments arising from that action remain to be finally determined, as described in subparagraph 1. of this paragraph, for the entire group; and*
- 3. *If the federal adjustment results from filing an amended federal return, a federal refund claim, or an administrative adjustment request, or if it is a federal adjustment reported on an amended federal return or other similar report filed under Section 6225(c) of the Internal Revenue Code, the final determination date means the day on which the amended return, refund claim, administrative adjustment request, or other similar report was filed;*
- (j) *"Final federal adjustment" means a federal adjustment after the final determination date for that federal adjustment has passed;*
- (k) *"Indirect partner" means a partner in a partnership or pass-through entity and that partnership or pass-through entity holds an interest directly, or through another indirect partner, in a partnership or pass-through entity;*
- (l) *"Nonresident partner" means an individual, trust, or estate partner that is not a resident partner;*
- (m) *"Partner" means a person that holds an interest directly or indirectly in a partnership or other pass-through entity;*
- (n) *"Partnership" means an entity subject to the provisions of Subchapter K of Chapter 1 of the Internal Revenue Code;*
- (o) *"Partnership level audit" means an examination by the Internal Revenue Service at the partnership level under Subchapter C of Chapter 63 of the Internal Revenue Code, as enacted by Pub. L. No. 114-74, which results in a federal adjustment;*
- (p) *"Pass-through entity" means an entity, other than a partnership, that is not subject to tax under KRS 141.040;*
- (q)
  - 1. *"Reallocation adjustment" means a federal adjustment resulting from a partnership level audit or an administrative adjustment request that changes the shares of one (1) or more items of partnership income, gain, loss, expense, or credit allocated to direct partners.*
  - 2. *A positive reallocation adjustment means the portion of a reallocation adjustment that would increase federal income for one (1) or more direct partners.*
  - 3. *A negative reallocation adjustment means the portion of a reallocation adjustment that would decrease federal income for one (1) or more direct partners;*
- (r) *"Resident partner" means an individual, trust, or estate partner that is a resident for the relevant taxable year;*
- (s) *"Reviewed year" means the taxable year of a partnership that is subject to a partnership level audit from which federal adjustments arise;*
- (t) *"Taxpayer" has the same meaning as in KRS 131.010 and includes:*
  - 1.
    - a. *A partnership subject to a partnership level audit; or*
    - b. *A partnership that has made an administrative adjustment request; and*
  - 2. *A tiered partner of the partnership described in subparagraph 1. of this paragraph; and*
- (u) *"Tiered partner" means any partner that is a partnership or pass-through entity.*

- (2) *Except in the case of final federal adjustments that are required to be reported by a partnership and its partners under subsection (3) of this section, and final federal adjustments required to be reported for federal purposes under Section 6225(a)(2) of the Internal Revenue Code, a taxpayer shall report and pay any income tax due with respect to final federal adjustments arising from any action:*
- (a) *By the Internal Revenue Service; or*
  - (b) *Reported by the taxpayer on a timely filed amended federal income tax return, including a return or other similar report filed under Section 6225(c)(2) of the Internal Revenue Code, or federal claim for refund;*
- by filing a federal adjustments report with the department for the reviewed year and, if applicable, paying the additional tax owed by the taxpayer no later than one hundred eighty (180) days after the final determination date.*
- (3) (a) *Except for adjustments required to be reported for federal purposes under Section 6225(a)(2) of the Internal Revenue Code, and the distributive share of adjustments that have been reported as required under subsection (2) of this section, partnerships and partners shall report final federal adjustments arising from a partnership level audit or an administrative adjustment request and make payments as under this subsection.*
- (b) 1. *With respect to an action required or allowed to be taken by a partnership under this subsection and a proceeding under KRS 131.110 with respect to that action, the state partnership representative for the reviewed year shall have the sole authority to act on behalf of the partnership, and the partnership's direct partners and indirect partners shall be bound by those actions.*
  - 2. *The state partnership representative for the reviewed year is the partnership's federal partnership representative unless the partnership designates in writing another person as its state partnership representative.*
  - 3. *The department may establish reasonable qualifications and procedures for designating a person, other than the federal partnership representative, to be the state partnership representative.*
- (c) *Final federal adjustments subject to the requirements of this subsection, except for those subject to a properly made election under subsection (4) of this section, shall be reported as follows:*
- 1. *No later than ninety (90) days after the final determination date, the partnership shall:*
    - a. *File with the department a completed federal adjustments report, including all information required by the department;*
    - b. *Notify each of its direct partners of their distributive share of the final federal adjustments, including all information required by the department; and*
    - c. *File an amended composite return for direct partners or an amended withholding return for direct partners as required under Section 14 of this Act and pay the additional amount of tax that would have been due had the final federal adjustments been reported properly as required; and*
  - 2. *No later than one hundred eighty (180) days after the final determination date, each direct partner that is taxed under KRS 141.020 or 141.040 shall:*
    - a. *File a federal adjustments report reporting their distributive share of the adjustments reported to them under subparagraph 1.b. of this paragraph; and*
    - b. *Pay any additional amount of tax due as if final federal adjustments had been properly reported, plus any penalty due under KRS 131.180 and interest due under KRS 131.183 and minus any credit for related amounts paid or withheld and remitted on behalf of the direct partner under subparagraph 1.c. of this paragraph.*
- (4) *An audited partnership making an election under this paragraph shall:*
- (a) *No later than ninety (90) days after the final determination date, file a completed federal adjustments report, including all information required by the department, and notify the department that it is making the election under this paragraph; and*

- (b) *No later than one hundred eighty (180) days after the final determination date, pay an amount, determined as follows, in lieu of taxes owed by its direct and indirect partners:*
  - 1. *Exclude from final federal adjustments the distributive share of these adjustments reported to a direct exempt partner not subject to tax under KRS 141.040(1)(a) or (b);*
  - 2. *For the total distributive shares of the remaining final federal adjustments reported to direct corporate partners subject to tax under KRS 141.040, apportion and allocate the adjustments under Section 14 of this Act and multiply the resulting amount by the highest tax rate for the taxable year under KRS 141.040;*
  - 3. *For the total distributive shares of the remaining final federal adjustments reported to nonresident direct partners subject to tax under KRS 141.020, determine the amount of the adjustments under Section 14 of this Act based on what would be subject to tax as Kentucky-sourced income for a nonresident partner, and multiply the resulting amount by the highest tax rate for the taxable year under KRS 141.020;*
  - 4. *For the total distributive shares of the remaining final federal adjustments reported to tiered partners, determine the amount of the adjustments which is of a type that it would be subject to tax under Section 14 of this Act, less any amount that the audited partnership can determine to the department's satisfaction that is not subject to tax, and multiply that amount by the highest tax rate under KRS 141.020 or 141.040;*
  - 5. *For the total distributive shares of the remaining final federal adjustments reported to resident direct partners subject to tax under KRS 141.020, multiply that amount by the highest tax rate under KRS 141.020; and*
  - 6. *Add the amounts determined in subparagraphs 2. to 5. of this paragraph, and remit the amount along with penalty due under KRS 131.180 and interest due under KRS 131.183.*
- (5) *The election under subsection (4) of this section shall not apply to:*
  - (a) *The distributive share of final audit adjustments that under KRS 141.202 that are included in the unitary business income of any direct or indirect corporate partner, provided that the audited partnership can reasonably determine this;*
  - (b) *Any final federal adjustments resulting from an administrative adjustment request; or*
  - (c) *Any audited partnership not otherwise subject to any reporting or payment obligation to this state.*
- (6)
  - (a) *The direct and indirect partners of an audited partnership that are tiered partners and all of the partners of those tiered partners that are subject to tax under KRS 141.020 and 141.040 are subject to the reporting and payment requirements of subsection (3) of this section and the tiered partners are entitled to make the elections provided in subsection (4) of this section.*
  - (b) *The tiered partners or their partners shall make the required reports and payments no later than ninety (90) days after the time for filing and furnishing statements to tiered partners and the partners under Section 6226 of the Internal Revenue Code and the regulations thereunder.*
  - (c) *The department may promulgate administrative regulations to establish procedures and interim time periods for:*
    - 1. *The reports and payments required by tiered partners and their partners;*
    - 2. *Making the elections under this section;*
    - 3. *The procedures related to the modified reporting and payment method under subsection (7) of this section; or*
    - 4. *A de minimis amount upon which a taxpayer shall not be required to comply with this section.*
- (7)
  - (a) *Under procedures promulgated under KRS Chapter 13A by the department, an audited partnership or a tiered partner may enter into an agreement with the department to utilize an alternative reporting and payment method, including applicable time requirements for any other provision of this section, if the audited partnership or tiered partner demonstrates that the requested method will reasonably provide for the reporting and payment of taxes, penalties, and interest due under the provisions of this section.*



- (b) *Application for approval of an alternative reporting and payment method shall be made by the audited partnership or tiered partner within the times established under subsection (4) or (6) of this section, as appropriate.*
- (8)
  - (a) *The election made under subsection (4) or (7) of this section is irrevocable, unless the department, in its discretion, determines otherwise.*
  - (b) *If properly reported and paid by the audited partnership or tiered partner, the amount determined under subsection (4) or (6) of this section shall be treated as paid in lieu of taxes owed by its direct and indirect partners, to the extent applicable, on the same final federal adjustments.*
  - (c) *The direct partners or indirect partners may not take any deduction or credit for this amount or claim a refund of the amount in this state.*
  - (d) *Nothing in this subsection shall preclude a direct resident partner from claiming a credit against taxes paid to this state under KRS Chapter 141, any amounts paid by the audited partnership or tiered partner on the resident partner's behalf to another state or local tax jurisdiction under KRS 141.070.*
- (9) *Nothing in this section prevents the department from assessing a direct partner or an indirect partner for taxes they owe, using the best information available, in the event that a partnership or tiered partner fails to timely make any report or payment required by this section for any reason.*
- (10) *The department shall assess additional tax, interest, and penalties resulting from any final federal adjustments arising from an audit by the Internal Revenue Service including a partnership level audit, reported by the taxpayer on an amended federal income tax return, or as part of an administrative adjustment request by the following dates:*
  - (a) *If a taxpayer files with the department a federal adjustments report or an amended Kentucky tax return as required within the periods under this section, the department may assess any amounts, including in-lieu-of amounts, taxes, interest, and penalties arising from those federal adjustments if the department issues a notice of the assessment to the taxpayer no later than the expiration of the one (1) year period following the date of filing with the department of the federal adjustments report; or*
  - (b) *If the taxpayer fails to file the federal adjustments report within the periods specified in subsections (2) or (3) of this section, as appropriate, or the federal adjustments report filed by the taxpayer omits final federal adjustments or understates the correct amount of tax owed, the department may assess any amounts, including in-lieu-of amounts, taxes, interest, and penalties arising from the final federal adjustments, and absent fraud, if the department issues a notice of the assessment to the taxpayer no later than the expiration of the six (6) year period following the final determination date.*
- (11)
  - (a) *A taxpayer may make estimated payments to the department, following the applicable process under KRS 141.207, of the tax expected to result from a pending Internal Revenue Service audit, prior to the due date of the federal adjustments report, without having to file the report with the department.*
  - (b) *The estimated tax payments shall be credited against any tax liability ultimately found to be due and will limit the accrual of further statutory interest on that amount.*
  - (c) *If the estimated tax payments exceed the final tax liability and statutory interest ultimately determined to be due, the taxpayer is entitled to a refund or credit for the excess, provided the taxpayer filed a federal adjustments report or claim for refund or credit of tax under this section no later than one (1) year following the final determination date.*
- (12)
  - (a) *Except for final federal adjustments required to be reported for federal purposes under Section 6225(a)(2) of this Internal Revenue Code, a taxpayer may file a claim for refund or credit of tax arising from federal adjustments made by the Internal Revenue Service on or before the latter of:*
    - 1. *The expiration of the last day for filing a claim for refund or credit under KRS 134.580; or*
    - 2. *One (1) year from the date a federal adjustments report under subsection (2) or (3) of this section, as applicable, was due to the department.*
  - (b) *The federal adjustments report shall serve as the means for the taxpayer to report additional tax due, report a claim for refund or credit of tax, and make other adjustments, including any net operating loss, resulting from adjustments to the taxpayer's federal taxable income.*

- (13) (a) *Unless otherwise agreed in writing by the taxpayer and the department, any adjustments by the department or by the taxpayer made after the expiration of the time allowed under Section 58 of this Act is limited to changes to the taxpayer's tax liability arising from federal adjustments.*
- (b) *The time periods provided for in this section may be extended, upon written agreement between the taxpayer and the department, based on the complexity of the federal adjustment or the number of direct partners or tiered partners.*
- (c) *The time period shall be automatically extended, upon written notice to the department, by sixty (60) days for an audited partnership or tiered partner which has ten thousand (10,000) or more direct partners.*
- (d) *Any extension granted under this subsection for filing the federal adjustments report extends the last day prescribed by law for assessing any additional tax arising from the adjustments to federal taxable income and the period for filing a claim for refund or credit of taxes.*

➔ Section 58. KRS 141.210 is amended to read as follows:

(1) ~~As used in this section and KRS 141.235, unless the context requires otherwise:~~

- (a) ~~"Conclusion of the federal audit" means the date that the adjustments made by the Internal Revenue Service to net income as reported on the taxpayer's federal income tax return become final and unappealable; and~~
- (b) ~~"Final determination of the federal audit" means the revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.~~

~~(2)~~ As soon as practicable after each return is received, the department shall examine and audit it.

- (2) (a) 1. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the additional tax shall be assessed and a notice of assessment mailed to the taxpayer by the department within four (4) years from the date the return was filed, except as otherwise provided in this subsection.
2. ~~(a)~~ In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.
3. ~~(b)~~ In the case of a return where a taxpayer other than a corporation understates his net income or omits an amount properly includable in net income or both which understatement or omission or both is in excess of twenty-five percent (25%) of the amount of net income stated in the return the additional tax may be assessed at any time within six (6) years after the return was filed.
4. ~~(c)~~ In the case of a return where a corporation understates its taxable net income or omits an amount properly includable in taxable net income or both, which understatement or omission or both is in excess of twenty-five percent (25%) of the amount of taxable net income stated in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.
5. ~~(d)~~ In the case of an assessment of additional tax relating directly to adjustments resulting from a final ~~determination of a~~ federal **adjustment, as defined in Section 57 of this Act** ~~audit~~, the additional tax may be assessed before the expiration of the times provided in **Section 57 of this Act** ~~this subsection, or six months from the date the department receives the final determination of the federal audit from the taxpayer, whichever is later~~.
6. ~~(e)~~ In the case of the assessment of additional tax resulting from a decrease of a net operating loss deduction or a capital loss deduction, resulting from the carryback of a loss which occurs in a taxable year beginning after December 31, 1993, the additional tax may be assessed at any time before the expiration of the times provided for in this subsection for assessing additional tax for the taxable year which resulted in the net operating loss or capital loss carryback.
- (b) The times provided in this subsection may be extended by agreement between the taxpayer and the department.
- (c) For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.
- (d) ~~For taxable years beginning after December 31, 1993,~~ Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

- (3) If any additional tax is assessed on account of any income which has been returned for taxation by any other taxpayer, the department, with the consent of the other taxpayer, his personal representatives, or heirs, shall reduce the amount of the additional tax assessed for each year by the amount of the income tax paid for that year by the other taxpayer on account of the income in question.

~~[(4) Every taxpayer shall:~~

- ~~(a) Notify the department in writing of every audit of the taxpayer's federal income tax return within thirty (30) days after the taxpayer has or should have had knowledge of the beginning of the audit by the Internal Revenue Service, and~~
- ~~(b) Submit a copy of the final determination of the federal audit within one hundred eighty (180) days of the conclusion of the federal audit.]~~

➔Section 59. KRS 141.235 is amended to read as follows:

- (1) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this chapter.
- (2) Any tax collected pursuant to the provisions of this chapter may be refunded or credited in accordance with the provisions of KRS 134.580, except that:
- (a) In any case where the assessment period contained in KRS 141.210 has been extended by an agreement between the taxpayer and the department, the limitation contained in this subsection shall be extended accordingly.
- (b) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the taxpayer shall file a claim for refund or credit within the time provided **in Section 57 of this Act**~~for in this subsection or six (6) months from the conclusion of the federal audit, whichever is later~~.
- (c) If the claim for refund or credit relates to an overpayment attributable to a net operating loss carryback or capital loss carryback, resulting from a loss which occurs in a taxable year beginning after December 31, 1993, the claim for refund or credit shall be filed within the times prescribed in this subsection for the taxable year of the net operating loss or capital loss which results in the carryback.

For the purposes of this subsection and subsection (3) of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

- (3) Overpayments as defined in KRS 134.580 of taxes collected pursuant to KRS 141.305, 141.310, or 141.315 shall be refunded or credited with interest at the tax interest rate as defined in KRS 131.010(6). Effective for refunds issued after April 24, 2008, the interest shall not begin to accrue until ninety (90) days after the latest of:
- (a) The due date of the return;
- (b) The date the return was filed;
- (c) The date the tax was paid;
- (d) The last day prescribed by law for filing the return; or
- (e) The date an amended return claiming a refund is filed.

- (4) Exclusive authority to refund or credit overpayments of taxes collected pursuant to this chapter is vested in the commissioner or his authorized agent. Amounts directed to be refunded shall be paid out of the general fund.

➔Section 60. KRS 132.195 is amended to read as follows:

- (1) When any real or personal property which is exempt from taxation is leased or possession is otherwise transferred to a natural person, association, partnership, or corporation in connection with a business conducted for profit, the leasehold or other interest in the property shall be subject to state and local taxation at the rate applicable to real or personal property levied by each taxing jurisdiction.
- (2) Subsection (1) of this section shall not apply to interests in:
- (a) 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, the taxation of which is provided for under the provisions of KRS 132.020 and 132.200;

- (b) Federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed;
  - (c) Property of any state-supported educational institution;
  - (d) Vending stand locations and facilities operated by blind persons under the auspices of the Division of Kentucky Business Enterprise, regardless of whether the property is owned by the federal, state, or a local government;
  - (e) Property of any free public library;~~[-or]~~
  - (f) Property in Fayette County, Kentucky, administered by the Department of Military Affairs, Bluegrass Station Division;
  - (g) *All privately owned leasehold interests in residential property when the residential property is owned in fee simple by a purely public charity as of July 1, 2020:*
    - 1. *When the real property includes a residential property unit that is:*
      - a. *Leased by the purely public charity for a period of at least one (1) year to an individual person who is fifty-five (55) years of age or older;*
      - b. *Maintained as the individual person's permanent residence under a lease agreement that:*
        - i. *Prohibits the lessee from subleasing the unit; and*
        - ii. *Provides that the lessee's possessory interest in the unit is terminable by the lessor upon the death of the lessee, the physical or mental inability of the lessee to continue to reside in the unit, or the lessee's relocation to a nursing home or similar assisted living facility; and*
      - c. *Constructed on or before July 1, 2020, or constructed after July 1, 2020, on land that was privately owned in fee simple by the purely public charity on or before July 1, 2020;*
    - 2. *If the fee simple ownership is transferred by the purely public charity after July 1, 2020, it shall be transferred to another purely public charity and the requirements established for the residential property unit in subparagraph 1. of this paragraph shall be maintained; and*
    - 3. *The taxation of which is provided for under Sections 61 and 62 of this Act; or*
  - (h) *All privately owned leasehold interests in residential property owned in fee simple by a purely public charity, which is exempt from ad valorem taxation under Kentucky Constitution Section 170, when the residential property unit is leased by the purely public charity to an individual person who is:*
    - 1. *Receiving medical or educational supportive services from the purely public charity; and*
    - 2.
      - a. *A postsecondary educational participant;*
      - b. *A minor;*
      - c. *Sick, disabled, or impoverished; or*
      - d. *Over the age of sixty-five (65).*
- (3) Taxes shall be assessed to lessees of exempt real or personal property and collected in the same manner as taxes assessed to owners of other real or personal property, except that taxes due under this section shall not become a lien against the property. When due, such taxes shall constitute a debt due from the lessee to the state, county, school district, special district, or urban-county government for which the taxes were assessed and if unpaid shall be recoverable by the state as provided in KRS Chapter 134.
- ➔Section 61. 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) Twenty-five cents (\$0.25) upon each one hundred dollars (\$100) of value of all motor vehicles qualifying for permanent registration as historic motor vehicles under KRS 186.043;

- (c) Fifteen cents (\$0.15) upon each one hundred dollars (\$100) of value of all:
1. Machinery actually engaged in manufacturing;
  2. 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; and
  3. 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;
- (d) Ten cents (\$0.10) upon each one hundred dollars (\$100) of value on the operating property of railroads or railway companies that operate solely within the Commonwealth;
- (e) 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 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;
  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; and
  5. Qualified heavy equipment;
- (f) One and one-half cents (\$0.015) upon each one hundred dollars (\$100) of value of all:
1. 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;
  2. 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;
  3. Tobacco directed to be assessed for taxation;
  4. Unmanufactured agricultural products;
  5. Aircraft not used in the business of transporting persons or property for compensation or hire; ~~and~~
  6. Federally documented vessels not used in the business of transporting persons or property for compensation or hire, or for other commercial purposes; **and**

**7. *Privately owned leasehold interests in residential property described in subsection (2)(g) of Section 60 of this Act;***

- (g) One-tenth of one cent (\$0.001) upon each one hundred dollars (\$100) of value of all:
  - 1. Farm implements and farm machinery owned by or leased to a person actually engaged in farming and used in his farm operations;
  - 2. Livestock and domestic fowl;
  - 3. 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; and
  - 4. 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; and
- (h) 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)(f) 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 Office of Energy Policy for the purpose of public education of coal-related issues.

➔Section 62. 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; *and*



- (24) *A privately owned leasehold interest in residential property described in subsection (2)(g) of Section 60 of this Act, if an exemption is approved by the county, city, school, or other taxing district in which the residential property is located.*

➔Section 63. **Service Rates:** Notwithstanding KRS 45.253(6), the Commonwealth Office of Technology shall maintain the rate schedule in effect in fiscal year 2019-2020 for services rendered or materials furnished during the 2020-2022 fiscal biennium, unless the services or materials are required by law to be furnished gratuitously. Enterprise assessments and security assessments not directly related to specific rated services shall not exceed fiscal year 2019-2020 levels.

➔Section 64. **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.

➔Section 65. **Administrative Fee on Infrastructure for Economic Development Fund Projects:** A one-half of one percent administrative fee is authorized to be paid to the Kentucky Infrastructure Authority for the administration of each project funded by the Infrastructure for Economic Development Fund for Coal-Producing Counties and the Infrastructure for Economic Development Fund for Tobacco Counties. These administrative fees shall be paid, upon inception of the project, out of the fund from which the project was allocated.

➔Section 66. **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. 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 any other audits 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.

➔Section 67. **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.

➔Section 68. **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.

➔Section 69. **Urgent Needs School Assistance:** If a school district receives an allotment for an Urgent Needs School authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5), 2014 Ky. Acts ch. 117, Part I, C., 1., (19)(b), 2016 Ky. Acts ch. 149, Part I, A., 28., (4) and (5), or 2018 Ky. Acts ch. 169, Part I, A., 27., (3) 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).

➔Section 70. **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.

➔Section 71. **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.

➔Section 72. **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.

➔Section 73. **Publishing Requirements:** Notwithstanding KRS 83A.060, 91A.040, and Chapter 424, a county containing a population of more than 90,000 or any city within a county containing a population of more than 90,000, as determined by the 2010 United States Census, may publish enacted ordinances, audits, and bid solicitations by posting the full ordinance, the full audit report including the auditor's opinion letter, or the bid solicitation on an Internet Web site maintained by the county or city government for a period of at least one (1) year. If a county or city publishes ordinances, audits, or bid solicitations on an Internet Web site, the county or city shall also publish an advertisement, in a newspaper qualified in accordance with KRS 424.120, with a description of the ordinances, audits, or bid solicitations published on the Internet Web site, including the Uniform Resource Locator (URL) where the documents can be viewed. Any advertisement required to be published in a newspaper under KRS Chapter 424 shall contain the following statement at the end of the advertisement:

"This advertisement was paid for by [insert the name of the governmental body required to advertise in a newspaper] using taxpayer dollars in the amount of \$[insert the amount paid for the advertisement].".

➔Section 74. KRS 39A.100 is amended to read as follows:

- (1) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the Governor may declare, in writing, that a state of emergency exists. The Governor shall have and may exercise the following emergency powers during the period in which the state of emergency exists:
  - (a) To enforce all laws, and administrative regulations relating to disaster and emergency response and to assume direct operational control of all disaster and emergency response forces and activities in the Commonwealth;
  - (b) To require state agencies and to request local governments, local agencies, and special districts to respond to the emergency or disaster in the manner directed;
  - (c) To seize, take, or condemn property, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, for the protection of the public or at the request of the President, the Armed Forces, or the Federal Emergency Management Agency of the United States, including:
    1. All means of transportation and communication;
    2. All stocks of fuel of whatever nature;
    3. Food, clothing, equipment, materials, medicines, and all supplies; and
    4. Facilities, including buildings and plants;
  - (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this subsection among the inhabitants of the Commonwealth and to account to the State Treasurer for any funds received for the property;
  - (e) To make compensation for the property seized, taken, or condemned under paragraph (c) of this subsection;
  - (f) To exclude all nonessential, unauthorized, disruptive, or otherwise uncooperative personnel from the scene of the emergency, and to command those persons or groups assembled at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
  - (g) To declare curfews and establish their limits;
  - (h) To prohibit or limit the sale or consumption of goods, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, or commodities for the duration of the emergency;
  - (i) To grant emergency authority to pharmacists pursuant to KRS 315.500, for the duration of the emergency;
  - (j) Except as prohibited by this section or other law, to perform and exercise other functions, powers, and duties deemed necessary to promote and secure the safety and protection of the civilian population;

- (k) To request any assistance from agencies of the United States as necessary and appropriate to meet the needs of the people of the Commonwealth; and
  - (l) Upon the recommendation of the Secretary of State, to declare by executive order a different time, ~~for~~ place, **or manner** for holding elections in an election area for which a state of emergency has been declared for part or all of the election area. The election shall be held within thirty-five (35) days from the date of the suspended or delayed election. The State Board of Elections shall establish procedures for election officials to follow. ***Any procedures established under this paragraph shall be subject to the approval of the Secretary of State and the Governor by respective executive orders.***
- (2) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in the judgment of a local chief executive officer is of such severity or complexity as to require the exercise of extraordinary emergency measures, the county judge/executive of a county other than an urban-county government, or mayor of a city or urban-county government, or chief executive of other local governments or their designees as provided by ordinance of the affected county, city, or urban-county may declare in writing that a state of emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:
- (a) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county;
  - (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
  - (c) To declare curfews and establish their limits;
  - (d) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods and services essential for protection of public health and safety or to maintain or to restore essential public services; and
  - (e) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.
- (3) Nothing in this section shall be construed to allow any governmental entity to impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition.

➔Section 75. The following KRS sections are repealed:

132.550 County clerk to compute amount due from each taxpayer -- Compensation of clerk.

132.635 Application of KRS 132.590 and 132.630 to urban-county governments and consolidated local governments.

189A.360 Nonrefundable application fee for ignition interlock license. (Effective July 1, 2020)

➔Section 76. Sections 1 and 7 to 17 of this Act apply to taxable years beginning on or after January 1, 2019.

➔Section 77. Sections 34, 35, 39, 40 to 42, and 50 to 56 of this Act take effect August 1, 2020.

➔Section 78. Section 37 of this Act takes effect July 1, 2020.

➔Section 79. Sections 60 to 62 of this Act apply to privately owned leasehold interests in residential property assessed on or after January 1, 2021.

➔Section 80. Sections 63 to 73 of this Act apply to the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the fiscal year beginning July 1, 2021, and ending June 30, 2022, and shall expire at the end of June 30, 2022.

➔Section 81. Whereas many taxpayers are currently preparing to file returns, and clarifications for these taxpayers are needed immediately, and whereas elections are an inviolable part of the democratic process and the COVID 19 virus poses a risk to the health and well-being of voters, 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.

**Line items vetoed April 13, 2020. Vetoes overridden and became law April 15, 2020.**

## CHAPTER 92

### ( HB 352 )

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 1. The State/Executive Branch Budget is as follows:

### PART I

#### OPERATING BUDGET

(1) **Funds Appropriations:** Notwithstanding KRS 48.110, 48.120(4), 48.300, and any other statute to the contrary, 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, 2019, and ending June 30, 2020, and for the fiscal year beginning July 1, 2020, and ending June 30, 2021, 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

	2020-21	2021-22
General Fund	6,099,000	-0-
Restricted Funds	294,700	-0-
Federal Funds	900,000	-0-
TOTAL	7,293,700	-0-

(1) **Salary Increment:** Notwithstanding KRS 64.480(2), no increment is provided on the base salary or wages of the Lieutenant Governor of the Commonwealth.

Notwithstanding KRS 64.480(4), no increment is provided on the base salary or wages of the Governor of the Commonwealth.

##### 2. OFFICE OF STATE BUDGET DIRECTOR

	2020-21	2021-22
General Fund	3,604,100	-0-
Restricted Funds	164,500	-0-

TOTAL	3,768,600	-0-
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**(1) 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, 2021. This submission shall include but not be limited to the projected state, county, and community offender populations for the 2022-2024 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.

**(2) 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, 2021. This submission shall clearly divulge the methodology and reasoning behind the projected costs avoided in a commitment to participate in transparent governing.

**(3) Facilities Security Reimbursement Report:** It is the intent of the General Assembly to increase the existing reimbursement rate for Facilities Security services for state-operated buildings. The Office of State Budget Director shall provide a report to the Interim Joint Committee on Appropriations and Revenue detailing the anticipated costs of increasing the existing Facilities Security rate to \$36 per hour for every participating state-operated building by September 1, 2020.

### 3. HOMELAND SECURITY

	2020-21	2021-22
General Fund	257,000	-0-
Restricted Funds	1,360,800	-0-
Federal Funds	4,093,400	-0-
Road Fund	321,000	-0-
TOTAL	6,032,200	-0-

### 4. DEPARTMENT OF VETERANS' AFFAIRS

	2020-21	2021-22
General Fund	26,060,400	-0-
Restricted Funds	71,578,000	-0-
TOTAL	97,638,400	-0-

**(1) Weekend and Holiday Premium Pay Incentive:** The Kentucky Veterans Centers are authorized to continue the weekend and holiday premium pay incentive for the 2020-2022 fiscal biennium.

**(2) Congressional Medal of Honor Recipients - Travel and Per Diem:** The Commissioner of the Department of Veterans' Affairs may approve travel and per diem expenses incurred when Kentucky residents who have been awarded the Congressional Medal of Honor attend veterans, military, or memorial events in the Commonwealth of Kentucky.

**(3) Debt Service - Bowling Green Veterans' Center:** If any debt service is required for the issuance of bonds for the Construct Bowling Green Veterans' Center capital project authorized in Part II, Capital Projects Budget, of this Act, it 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). No bonds shall be sold for this project until it has been approved by the United States Department of Veterans Affairs and the Commonwealth has been notified by the United States Department of Veterans Affairs that Federal Funds are available to support this construction.

**(4) State Veterans Nursing Home:** With the exception of the Bowling Green Veterans Center construction project, all state veterans' nursing homes must meet a combined 80 percent bed occupancy rate before any future projects will be considered. Once the 80 percent threshold has been met, it is the intent of the General Assembly that any future beds allocated from the United States Department of Veterans Affairs or reallocated from

the Kentucky Department of Veterans' Affairs be dedicated to a state veterans nursing home in Magoffin County to serve that area.

**(5) Brain Injury Alliance of Kentucky and the Epilepsy Foundation of Kentuckiana Funding:** Included in the above General Fund appropriation is \$93,700 in fiscal year 2020-2021 for grants to the Brain Injury Alliance of Kentucky and \$93,700 in fiscal year 2020-2021 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.

**(6) Veterans' Service Organization Funding:** Included in the above General Fund appropriation is \$187,500 in fiscal year 2020-2021 for grants to Veterans' Service Organization programs.

## 5. GOVERNOR'S OFFICE OF AGRICULTURAL POLICY

	2020-21	2021-22
General Fund (Tobacco)	34,594,800	-0-
Restricted Funds	100,000	-0-
TOTAL	34,694,800	-0-

**(1) Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 in fiscal year 2020-2021 may provide up to four percent of the individual county allocation, not to exceed \$15,000 in fiscal year 2020-2021, 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 \$14,279,200 in fiscal year 2020-2021 for the counties account as specified in KRS 248.703(1)(a).

**(3) Directive for Fiscal Year 2018-2019 and Fiscal Year 2019-2020 General Fund (Tobacco) Appropriations:** Any remaining uncommitted or unobligated funds from the \$13,000,000 General Fund (Tobacco) appropriated in the 2018-2020 fiscal biennium to the Governor's Office of Agricultural Policy for use by the State Fair Board shall not be approved by the Agricultural Development Board for any other project until appropriated by the General Assembly.

## 6. KENTUCKY INFRASTRUCTURE AUTHORITY

	2020-21	2021-22
General Fund	1,117,200	-0-
Restricted Funds	33,095,700	-0-
Federal Funds	29,380,100	-0-
TOTAL	63,593,000	-0-

**(1) Debt Service:** Included in the above General Fund appropriation is \$344,500 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

## 7. MILITARY AFFAIRS

	2020-21	2021-22
General Fund	14,991,400	-0-
Restricted Funds	48,590,600	-0-
Federal Funds	86,249,300	-0-
TOTAL	149,831,300	-0-

**(1) Kentucky National Guard:** Included in the above General Fund appropriation is \$4,500,000 in fiscal year 2020-2021 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. Any portion of the \$4,500,000 not expended shall lapse to the General Fund at the end of the fiscal year. In the event that costs for Governor-declared emergencies or the Governor's call of the Kentucky National Guard for emergencies or exigent situations exceed \$4,500,000 annually, the 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).

(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 \$335,000 in fiscal year 2020-2021 to support the Bluegrass Challenge Academy and \$335,000 in fiscal year 2020-2021 to support the Appalachian Youth Challenge Academy.

## 8. COMMISSION ON HUMAN RIGHTS

	2020-21	2021-22
General Fund	1,926,600	-0-
Restricted Funds	10,000	-0-
Federal Funds	245,000	-0-
TOTAL	2,181,600	-0-

## 9. COMMISSION ON WOMEN

(1) **Redistribution of Resources:** Notwithstanding KRS 12.020, 12.023, 14.260, 15A.190, 214.554, and 344.510 to 344.530, no General Fund appropriation is provided for the Commission on Women in order to provide additional funding for Domestic Violence Shelters, Rape Crisis Centers, and Children's Advocacy Centers.

## 10. DEPARTMENT FOR LOCAL GOVERNMENT

	2020-21	2021-22
General Fund	9,415,300	-0-
Restricted Funds	888,700	-0-
Federal Funds	46,227,500	-0-
TOTAL	56,531,500	-0-

(1) **Area Development District Funding:** Included in the above General Fund appropriation is \$1,984,000 in fiscal year 2020-2021 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 \$257,800 in fiscal year 2020-2021 for the support of the Mary Kendall Homes and \$257,800 in fiscal year 2020-2021 for the support of Gateway Juvenile Diversion.

(3) **Allocation of Area Development District Funding:** The Department for Local Government shall allocate area development district funding appropriated to the Joint Funding Administration Program to the area development districts in accordance with the following formula:

(a) Seventy percent of the total appropriation shall be allocated equally among all area development districts;

(b) Twenty percent of the total appropriation shall be allocated based upon each area development district's proportionate share of total state population, as identified by the 2010 United States Census; and

(c) Ten percent of the total appropriation shall be allocated based upon each area development district's proportionate share of total incorporated cities and counties, as identified by the records of the Kentucky Secretary of State's Land Office at the time of the allocation.

The Department for Local Government shall, upon the unanimous written direction of all area development districts, reduce the allocation based upon proportionate share of total incorporated cities and counties and instead allocate those funds to provide additional nonfederal dollars to area development districts for the purpose of maximizing federal awards.

## 11. LOCAL GOVERNMENT ECONOMIC ASSISTANCE FUND

	2020-21	2021-22
General Fund	21,830,900	-0-

**(1) Allocation of the Local Government Economic Assistance Fund:** Notwithstanding KRS 42.470(1)(a), 70 percent of moneys in the Local Government Economic Assistance Fund shall be distributed to each coal producing county on the basis of the ratio of coal severed in each respective county to the coal severed statewide. Notwithstanding KRS 42.470(1)(c), no allocation shall be distributed to non-coal producing counties.

**(2) Coal Haul Road System:** Notwithstanding KRS 42.455(2), no funds appropriated to the Local Government Economic Assistance Fund are required to be spent on the coal haul road system.

## **12. LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	12,814,300	-0-

**(1) Coal Severance Tax Transfers:** Notwithstanding KRS 42.450 to 42.495, 70 percent of the severance and processing taxes on coal collected annually, except items described in subsection (2) below, shall be transferred to the Local Government Economic Development Fund. Notwithstanding KRS 42.450 to 42.495, 30 percent of the severance and processing taxes on coal collected annually, except items described in subsection (2) below, shall be transferred to the Local Government Economic Assistance Fund. Transfers to the Local Government Economic Development Fund and 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 subsection.

**(2) Coal Severance Tax Collections Calculations and Transfers:** The above appropriations from the General Fund are based on the official estimate presented by the Office of State Budget Director of \$46,186,400 in fiscal year 2020-2021. Notwithstanding KRS 42.450 to 42.495, coal severance tax collections during fiscal year 2020-2021 shall first be allocated to the following programs or purposes on a quarterly basis:

(a) Department for Local Government: An annual appropriation of \$669,700 in fiscal year 2020-2021 is appropriated as General Fund moneys to the Department for Local Government budget unit for Local Government Economic Development Fund and Local Government Economic Assistance Fund project administration costs;

(b) Debt Service: An annual appropriation of 100 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, 2008 Ky. Acts ch. 127, and 2010 (1st Extra. Sess.) Ky. Acts ch. 1, in the amount of \$26,210,600 in fiscal year 2020-2021 is appropriated for that purpose;

(c) Osteopathic Medicine Scholarship Program: Notwithstanding KRS 164.7891(11)(b), no transfers shall be made to the Osteopathic Medicine Scholarship Program within the Kentucky Higher Education Assistance Authority;

(d) Pharmacy Scholarships: Notwithstanding KRS 164.7890(11)(c), no transfers shall be made to the Coal County Pharmacy Scholarship Program within the Kentucky Higher Education Assistance Authority;

(e) Kentucky Coal Fields Endowment Authority: Notwithstanding KRS 42.453(3), no transfers shall be made to the Kentucky Coal Field Endowment Authority; and

(f) General Fund: A transfer of \$1,000,000 to the General Fund in fiscal year 2020-2021.

**(3) Allocation of the Local Government Economic Development Fund:** Notwithstanding KRS 42.4592(1), 50 percent of Local Government Economic Development Fund moneys shall be allocated in accordance with KRS 42.4592(1)(a), and 50 percent shall be allocated in accordance with KRS 42.4592(1)(b).

**(4) Use of the Local Government Economic Development Fund:** Notwithstanding KRS 42.450 to 42.495, all funds appropriated to Local Government Economic Development Fund Single-County Accounts shall be allocated to projects with the concurrence of the respective county judge/executive, state senator(s), and state representative(s) of each county. If 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.

## **13. AREA DEVELOPMENT FUND**

**(1) Area Development Fund:** Notwithstanding KRS 42.345 to 42.370 and 48.185, or any statute to the contrary, no funding is provided for the Area Development Fund.

**(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 nonfederal 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.

#### 14. REGIONAL DEVELOPMENT AGENCY ASSISTANCE FUND

	2020-21	2021-22
Restricted Funds	6,000,000	-0-

#### 15. EXECUTIVE BRANCH ETHICS COMMISSION

	2020-21	2021-22
General Fund	561,600	-0-
Restricted Funds	420,000	-0-
TOTAL	981,600	-0-

(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

	2020-21	2021-22
Restricted Funds	5,177,600	-0-
Federal Funds	221,400	-0-
TOTAL	5,399,000	-0-

(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.

(2) **Salary Increment:** Notwithstanding KRS 64.480(2), no increment is provided on the base salary or wages of the Secretary of State.

#### 17. BOARD OF ELECTIONS

	2020-21	2021-22
General Fund	6,206,500	-0-
Restricted Funds	246,000	-0-
Federal Funds	2,494,300	-0-
TOTAL	8,946,800	-0-

(1) **Cost of Elections:** 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.

#### 18. REGISTRY OF ELECTION FINANCE

	2020-21	2021-22
General Fund	1,541,300	-0-

#### 19. ATTORNEY GENERAL

	2019-20	2020-21	2021-22
General Fund (Tobacco)	-0-	150,000	-0-

General Fund	135,000	12,473,700	-0-
Restricted Funds	-0-	18,051,600	-0-
Federal Funds	-0-	4,989,000	-0-
TOTAL	135,000	35,664,300	-0-

(1) **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$150,000 of the Tobacco Settlement payments received in fiscal year 2020-2021 is appropriated to the Attorney General for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

(2) **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 \$137,500 in fiscal year 2020-2021 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.

(3) **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.

(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) **Purdue Pharma Settlement Funds:** In fiscal year 2020-2021, the Attorney General shall transfer \$1,500,000 of any lawfully received settlement funds resulting from Commonwealth of Kentucky, ex rel. v. Purdue Pharma, et al., Civil Action No: 07-CI-01303 to the Justice Administration budget unit for Operation UNITE.

(7) **Salary Increment:** Notwithstanding KRS 64.480(2), no increment is provided on the base salary or wages of the Attorney General.

(8) **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.

(9) **Debt Service:** Included in the above General Fund appropriation is \$127,000 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(10) **Electronic Crimes Laboratories:** The Attorney General and the Commissioner of the Kentucky State Police shall work collaboratively to identify a pathway for consolidation of the Commonwealth's electronic crimes laboratories.

## 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.

(2) **Employment Salary Scale:** The Prosecutors Advisory Council shall develop a proposed salary scale for the employees of the Unified Prosecutorial System. Among the criteria that the proposal may include are pay differential and locality pay. The proposal shall also establish part-time positions as hourly or by one-quarter or one-half of a full-time equivalent. The Council shall finalize and submit the proposed salary scale to the Interim Joint Committee on Appropriations and Revenue by August 1, 2020. The salary scale shall not be implemented until approved by the General Assembly.

**a. Commonwealth's Attorneys**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	60,413,100	-0-
Restricted Funds	6,118,200	-0-
Federal Funds	756,800	-0-
<b>TOTAL</b>	<b>67,288,100</b>	<b>-0-</b>

(1) **Rocket Docket Program:** Included in the above General Fund appropriation is \$387,700 in fiscal year 2020-2021 to support the Rocket Docket Program.

(2) **Salary Increment:** Notwithstanding KRS 15.755(7), no increment is provided in fiscal year 2020-2021 on the base salary or wages of each eligible Commonwealth's Attorney.

**b. County Attorneys**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	53,518,500	-0-
Restricted Funds	958,400	-0-
Federal Funds	1,025,200	-0-
<b>TOTAL</b>	<b>55,502,100</b>	<b>-0-</b>

(1) **Salary Increment:** Notwithstanding KRS 15.765(3), no increment is provided in fiscal year 2020-2021 on the base salary or wages of each eligible County Attorney.

(2) **Rocket Docket Program:** Included in the above General Fund appropriation is \$549,800 in fiscal year 2020-2021 to support the Rocket Docket Program.

(3) **County Attorneys Expense Allowance:** Notwithstanding KRS 15.765(2), each County Attorney shall receive a monthly expense allowance of \$400, payable out of the State Treasury for the 2020-2022 fiscal biennium.

**TOTAL - UNIFIED PROSECUTORIAL SYSTEM**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	113,931,600	-0-
Restricted Funds	7,076,600	-0-
Federal Funds	1,782,000	-0-
<b>TOTAL</b>	<b>122,790,200</b>	<b>-0-</b>

**21. TREASURY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	2,411,800	-0-
Restricted Funds	1,848,400	-0-
Federal Funds	1,254,800	-0-
Road Fund	250,600	-0-
<b>TOTAL</b>	<b>5,765,600</b>	<b>-0-</b>

(1) **Unclaimed Property Fund:** Included in the above Restricted Funds appropriation is \$1,851,200 in fiscal year 2020-2021 from the Unclaimed Property Fund to provide funding for services performed by the Unclaimed Property Division of the Department of the Treasury.

(2) **Salary Increment:** Notwithstanding KRS 64.480(2), no increment is provided on the base salary or wages of the State Treasurer.

**22. AGRICULTURE**

<b>2020-21</b>	<b>2021-22</b>
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General Fund (Tobacco)	500,000	-0-
General Fund	16,822,000	-0-
Restricted Funds	14,362,700	-0-
Federal Funds	8,681,400	-0-
TOTAL	40,366,100	-0-

(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) **Farms to Food Banks:** Included in the above General Fund (Tobacco) appropriation is \$500,000 in fiscal year 2020-2021 to support the Farms to Food Banks Program. The use of the moneys provided by this appropriation shall be restricted to purchases of Kentucky-grown produce from Kentucky farmers who participate in the Farms to Food Banks Program.

(3) **Salary Increment:** Notwithstanding KRS 64.480(2), no increment is provided on the base salary or wages of the Commissioner of Agriculture.

(4) **County Fair Grants:** Included in the above General Fund appropriation is \$300,000 in fiscal year 2020-2021 to support capital improvement grants to the Local Agricultural Fair Aid Program.

(5) **Kentucky Grape and Wine Council:** Notwithstanding KRS 260.175(2), no General Fund is provided for the Kentucky Small Farm Wineries Support Fund for use by the Kentucky Grape and Wine Council.

## 23. AUDITOR OF PUBLIC ACCOUNTS

	2020-21	2021-22
General Fund	7,787,000	-0-
Restricted Funds	11,926,600	-0-
TOTAL	19,713,600	-0-

(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.

(4) **Salary Increment:** Notwithstanding KRS 64.480(2), no increment is provided on the base salary or wages of the Auditor of Public Accounts.

## 24. PERSONNEL BOARD

	2020-21	2021-22
Restricted Funds	875,000	-0-

## 25. KENTUCKY RETIREMENT SYSTEMS

	2020-21	2021-22
General Fund	384,000	-0-
Restricted Funds	48,888,200	-0-
TOTAL	49,272,200	-0-

(1) **State Police Retirement System Pension Fund:** Included in the above General Fund appropriation is \$384,000 in fiscal year 2020-2021 to be applied to the unfunded pension liability of the State Police Retirement System pension fund.

**26. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS****a. Accountancy**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	673,300	-0-

**b. Certification of Alcohol and Drug Counselors**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	180,200	-0-

**c. Applied Behavior Analysis Licensing**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	39,600	-0-

**d. Architects**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	474,500	-0-

**e. Certification for Professional Art Therapists**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	11,200	-0-

**f. Barbering**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	465,400	-0-

**g. Chiropractic Examiners**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	377,900	-0-

**h. Dentistry**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	939,600	-0-

**i. Licensed Diabetes Educators**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	29,300	-0-

**j. Licensure and Certification for Dietitians and Nutritionists**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	93,900	-0-

**k. Embalmers and Funeral Directors**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	498,300	-0-

**l. Licensure for Professional Engineers and Land Surveyors**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	1,772,200	-0-

**m. Certification of Fee-Based Pastoral Counselors**

	<b>2020-21</b>	<b>2021-22</b>
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Restricted Funds	3,600	-0-
<b>n. Registration for Professional Geologists</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	109,000	-0-
<b>o. Hairdressers and Cosmetologists</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	1,936,900	-0-
<b>p. Specialists in Hearing Instruments</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	78,000	-0-
<b>q. Interpreters for the Deaf and Hard of Hearing</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	38,200	-0-
<b>r. Examiners and Registration of Landscape Architects</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	80,700	-0-
<b>s. Licensure of Marriage and Family Therapists</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	133,600	-0-
<b>t. Licensure for Massage Therapy</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	154,300	-0-
<b>u. Medical Imaging and Radiation Therapy</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	443,800	-0-
<b>v. Medical Licensure</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	3,550,900	-0-
<b>w. Nursing</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	8,924,800	-0-
<b>x. Licensure for Nursing Home Administrators</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	101,100	-0-
<b>y. Licensure for Occupational Therapy</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	211,600	-0-
<b>z. Ophthalmic Dispensers</b>		
	<b>2020-21</b>	<b>2021-22</b>

Restricted Funds	71,400	-0-
<b>aa. Optometric Examiners</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	221,800	-0-
<b>ab. Pharmacy</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	2,568,200	-0-
<b>ac. Physical Therapy</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	673,500	-0-
<b>ad. Podiatry</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	46,500	-0-
<b>ae. Private Investigators</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	113,700	-0-
<b>af. Licensed Professional Counselors</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	310,800	-0-
<b>ag. Prosthetics, Orthotics, and Pedorthics</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	46,200	-0-
<b>ah. Examiners of Psychology</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	256,400	-0-
<b>ai. Respiratory Care</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	251,900	-0-
<b>aj. Social Work</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	370,600	-0-
<b>ak. Speech-Language Pathology and Audiology</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	222,900	-0-
<b>al. Veterinary Examiners</b>		
	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	275,000	-0-
<b>TOTAL - OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS</b>		
	<b>2020-21</b>	<b>2021-22</b>

Restricted Funds	26,750,800	-0-
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**27. KENTUCKY RIVER AUTHORITY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	288,500	-0-
Restricted Funds	7,686,600	-0-
<b>TOTAL</b>	<b>7,975,100</b>	<b>-0-</b>

**28. SCHOOL FACILITIES CONSTRUCTION COMMISSION**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	125,243,600	-0-

(1) **Debt Service:** Included in the above General Fund appropriation is \$2,946,900 in fiscal year 2020-2021 for new debt service to support new 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 \$58,000,000 in offers of assistance during the 2020-2022 biennium in anticipation of debt service availability during the 2022-2024 biennium. No bonded indebtedness based on the above amount is to be incurred during the 2020-2022 biennium.

(3) **Urgent Needs School Assistance - 2020-2022:** Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission is authorized to make additional offers of assistance in the specified amounts in fiscal year 2020-2021 to the following local school districts:

- (a) Not more than \$19,784,500 to Mason County Schools for Mason County Middle School;
- (b) Not more than \$12,931,700 to Lewis County Schools for Garrison Elementary School;
- (c) Not more than \$7,527,100 to Rowan County Schools for Clearfield Elementary School; and
- (d) Not more than \$7,283,700 to Green County Schools for Green County High School.

These schools are designated as the four schools ranked highest on the Kentucky Facilities Inventory and Classification System report as of February 27, 2020, that are A1 schools, are ranked as a Priority 1 or 2 on the local school district's facility plan, 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 make offers of assistance to each local school district up to the amount authorized for that local school district only upon the 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 receive an additional offer of assistance greater than that authorized in this subsection.

**29. TEACHERS' RETIREMENT SYSTEM**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	781,620,000	-0-
Restricted Funds	16,100,300	-0-
<b>TOTAL</b>	<b>797,720,300</b>	<b>-0-</b>

(1) **Debt Service:** Included in the above General Fund appropriation is \$51,660,000 in fiscal year 2020-2021 for debt service on previously issued bonds.

(2) **Dependent Subsidy for All Retirees under age 65:** Pursuant to KRS 161.675(4), health insurance supplement payments made by the retirement system shall not exceed the amount of the single coverage insurance premium. Notwithstanding KRS 161.675(4), for all retirees under the age of 65 who participate in the Kentucky Group Health Insurance Program through the Kentucky Teachers' Retirement System and for Plan Year 2020 only, the Kentucky Teachers' Retirement System Board of Trustees may continue to pay from the Medical Insurance Fund one-third of the costs of the dependent subsidy. No General Fund appropriation shall be expended to pay one-third of the costs of the dependent subsidy. The dependent subsidy is not subject to KRS 161.714.



**(3) Retiree Health Insurance:** Pursuant to KRS 161.550(2)(b) and notwithstanding any statute to the contrary, included in the above General Fund appropriation is \$61,700,000 in fiscal year 2020-2021 to support the state's contribution for the cost of retiree health insurance for members not eligible for Medicare who have retired on or after July 1, 2010. Notwithstanding KRS 161.675, the Teachers' Retirement System Board of Trustees shall provide health insurance supplement payments towards the cost of the single coverage insurance premium based on age and years of service credit of eligible recipients of a retirement allowance, the cost of which shall be paid from the Medical Insurance Fund. Notwithstanding KRS 161.675, the Teachers' Retirement System Board of Trustees shall authorize eligible recipients of a retirement allowance from the Teachers' Retirement System who are less than age 65 to be included in the state-sponsored health insurance plan that is provided to active teachers and state employees under KRS 18A.225. Notwithstanding KRS 161.675(4)(a), the contribution paid by retirees who are less than age 65 who qualify for the maximum health insurance supplement payment for single coverage shall be no more than the sum of (a) the employee contribution paid by active teachers and state employees for a similar plan, and (b) the standard Medicare Part B premium as determined by the Centers for Medicare and Medicaid Services. Notwithstanding KRS 161.675(4)(a), the contribution paid by retirees who are less than age 65 who do not qualify for the maximum health insurance supplement payment for single coverage shall be determined by the same graduated formula used by the Teachers' Retirement System for Plan Year 2020.

Notwithstanding KRS 161.420 and 161.550, any General Fund contribution to the Teachers' Retirement System medical insurance fund in fiscal year 2020-2021 in excess of the actuarially determined contribution shall carry forward and be considered the General Fund contribution for fiscal year 2021-2022. The Teachers' Retirement System Board of Trustees shall report the amount carried forward to the Interim Joint Committee on Appropriations and Revenue by August 1, 2021.

**(4) Medical Insurance Fund Employee Contributions:** Notwithstanding KRS 161.540(1), the employee contribution to the Medical Insurance Fund shall not be changed in fiscal year 2020-2021.

### 30. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

	2019-20	2020-21	2021-22
General Fund	4,500,000	14,526,400	-0-

**(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, Kentucky Claims Commission 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 Kentucky Claims Commission 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

	2019-20	2020-21	2021-22
General Fund	16,900,000	22,500,000	-0-

(1) **Known Liabilities Against the Commonwealth:** The above appropriation is for the payment of judgments for known liabilities against the Commonwealth.

(2) **Payment of Judgments and Carry Forward of General Fund Appropriation Balance:** Notwithstanding KRS 45A.275, the payment of judgments, that exceed the above appropriation, 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 shall not be deemed a necessary governmental expense. Notwithstanding KRS 45A.270(1), funds required to pay the costs of items included within the Judgments budget are included in the above appropriation, and amounts required for any award or judgment in excess of the above appropriation shall be paid from appropriations for that department or agency and otherwise paid pursuant to KRS 45A.270(2).

### 32. KENTUCKY COMMUNICATIONS NETWORK AUTHORITY

	2020-21	2021-22
General Fund	34,220,000	-0-
Restricted Funds	12,033,100	-0-
TOTAL	46,253,100	-0-

(1) **Rate Assessments:** Notwithstanding KRS 154.15-020, rate assessments charged to state agencies for access to the KentuckyWired broadband network shall not exceed rates currently charged for broadband services to those state agencies in fiscal year 2019-2020.

(2) **Availability Payments:** Included in the above General Fund appropriation is \$22,535,600 in fiscal year 2020-2021 for the network availability payments.

(3) **Authority to Sell:** Notwithstanding KRS 154.15-020, the Kentucky Communications Network Authority shall have the authority to enter into contracts with public and private entities to carry out its duties and responsibilities, which may include the sale of all or portions of the Commonwealth's open-access broadband network known as KentuckyWired. A contract or other agreement involving the acquisition or disposition of a property interest by the Commonwealth shall be signed by the Secretary of the Finance and Administration Cabinet. KRS Chapters 45A and 56 may require the Secretary's signature on other contracts or agreements.

(4) **Contractual Costs:** Included in the above General Fund appropriation is \$8,025,800 in fiscal year 2020-2021 for contractual costs.

### TOTAL - GENERAL GOVERNMENT

	2019-20	2020-21	2021-22
General Fund (Tobacco)	-0-	35,244,800	-0-
General Fund	21,535,000	1,238,634,200	-0-
Restricted Funds	-0-	333,526,500	-0-
Federal Funds	-0-	186,518,200	-0-
Road Fund	-0-	571,600	-0-
TOTAL	21,535,000	1,794,495,300	-0-

### B. ECONOMIC DEVELOPMENT CABINET

#### Budget Unit

#### 1. ECONOMIC DEVELOPMENT

	2020-21	2021-22
General Fund	26,054,000	-0-
Restricted Funds	3,634,200	-0-
Federal Funds	306,400	-0-
TOTAL	29,994,600	-0-

(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) **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 2019-2020 and fiscal year 2020-2021 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 each fiscal year combined with the additional training grant allotment amounts in each fiscal year of the 2020-2022 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.

(3) **Science and Technology Program:** Notwithstanding KRS 164.6011 to 164.6041 and any other statute to the contrary, the Cabinet for Economic Development shall have the authority to carry out the provisions of KRS 164.6013 to 164.6041.

(4) **Carry Forward of General Fund Appropriation Balance:** Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2019-2020 and fiscal year 2020-2021 to the Cabinet for Economic Development, Science and Technology Program, shall not lapse and shall carry forward in the Cabinet for Economic Development.

(5) **Executive Officers' Compensation:** Notwithstanding KRS 154.10-050(2), any additional executive officers as described in KRS 154.10-050(2) shall not be paid a salary greater than the salary of the Governor of the Commonwealth.

(6) **Training Grants:** Included in the above General Fund appropriation is \$1,000,000 in fiscal year 2020-2021 for the Bluegrass State Skills Corporation to make training grants to support manufacturing-related investments. The Corporation shall utilize these funds for a manufacturer designated by the United States Department of Commerce, United States Census Bureau North American Industry Classification System code of 336111, 336112, 336120, or 336211 that employs at least 10,000 full-time persons at the same facility or at multiple facilities located within the same county to help offset associated costs of retraining its workforce.

### C. DEPARTMENT OF EDUCATION

#### Budget Units

#### 1. SUPPORT EDUCATION EXCELLENCE IN KENTUCKY (SEEK) PROGRAM

	2020-21	2021-22
General Fund	2,973,696,700	-0-

(1) **Common School Fund Earnings:** Accumulated earnings for the Common School Fund shall be transferred in fiscal year 2020-2021 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 \$4,000 per student in average daily attendance in fiscal year 2020-2021, as well as to meet the other requirements of KRS 157.360. Notwithstanding KRS 157.360(2), each district's base funding level shall be adjusted for the number of students demonstrating limited proficiency in English language skills, multiplied by 0.096.

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 appropriation 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.

(3) **SEEK Lapse:** Notwithstanding 2018 Ky. Acts ch. 169, Part I, C., 1., (3), any unexpended SEEK funds in fiscal year 2019-2020 shall lapse to the General Fund.

(4) **Base SEEK Allotments:** Notwithstanding KRS 157.420(2), included in the above General Fund appropriation is \$1,978,539,700 in fiscal year 2020-2021 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 appropriation 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 fiscal year 2020-2021 for pupil transportation.

(5) **Tier I Component:** Included in the above General Fund appropriation is \$179,738,200 in fiscal year 2020-2021 for the Tier I component as established by KRS 157.440.

(6) **Vocational Transportation:** Included in the above General Fund appropriation is \$2,416,900 in fiscal year 2020-2021 for vocational transportation.

(7) **Teachers' Retirement System Employer Match:** Included in the above General Fund appropriation is \$425,565,500 in fiscal year 2020-2021 to enable local school districts to provide the employer match for qualified employees.

(8) **Salary Supplements for Nationally Certified Teachers:** Notwithstanding KRS 157.395, included in the above General Fund appropriation is \$2,750,000 in fiscal year 2020-2021 for the purpose of providing salary supplements for public school teachers attaining certification by the National Board for Professional Teaching Standards. Notwithstanding 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) **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.

(10) **Facilities Support Program of Kentucky/Equalized Nickel Levies:** Included in the above General Fund appropriation is \$93,014,600 in fiscal year 2020-2021 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620.

(11) **Growth Levy Equalization Funding:** Included in the above General Fund appropriation is \$24,430,700 in fiscal year 2020-2021 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). Notwithstanding KRS 157.621(1)(b)2., a school district that imposes the levy authorized by KRS 157.621(1)(b)1. shall be equalized for that levy at 25 percent of the calculated equalization funding in fiscal year 2020-2021, in addition to the equalization funding appropriated in accordance with KRS 157.621(1)(b)2., and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2020 General Assembly that any local school district receiving partial equalization under this subsection in fiscal year 2020-2021 shall also be equalized for that levy at 25 percent of the calculated equalization funding in fiscal year 2021-2022, and shall receive full calculated equalization in the 2022-2024 fiscal biennium and thereafter until the earlier of June 30, 2038, or the date the bonds for the local school district supported by this equalization funding are retired.

(12) **Retroactive Equalized Facility Funding:** Included in the above General Fund appropriation is \$34,181,600 in fiscal year 2020-2021 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). Notwithstanding KRS 157.621(2)(a) and (4), for fiscal year 2020-2021, school districts that levied the tax rate subject to recall prior to January 1, 2018, shall be equalized at 100 percent of the calculated equalization funding, school districts that levied the tax rate subject to recall after January 1, 2018, and before January 1, 2020, shall be equalized at 25 percent of the calculated equalization funding, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2020 General Assembly that any local school district receiving partial equalization under this subsection in fiscal year 2020-2021 shall also be equalized for that levy at 25 percent of the calculated equalization funding in fiscal year 2021-2022, and shall receive full calculated equalization in the 2022-2024 fiscal biennium and thereafter until the earlier of June 30, 2038, or the date the bonds for the local school district supported by this equalization

funding are retired, in accordance with KRS 157.621(2). Notwithstanding KRS 157.440, 157.621, or any other provision of this Act, no school district shall be equalized for an equivalent tax rate of more than 15 cents.

**(13) Equalized Facility Funding:** Included in the above General Fund appropriation is \$9,055,300 in fiscal year 2020-2021 to provide equalized facility funding pursuant to KRS 157.440 and 157.620 to districts meeting the eligibility requirements of KRS 157.621(3) and (4). Notwithstanding KRS 157.621(3)(c), a school district meeting the criteria of KRS 157.621(3)(a) and (b) that did not receive equalization funding in fiscal year 2019-2020 shall be equalized at 25 percent of the calculated equalization funding in fiscal year 2020-2021, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). In addition, notwithstanding KRS 157.621(1) and (3), a school district that has levied a five-cent equivalent rate authorized by KRS 157.621(1)(a) and is not receiving state equalization funding for that levy under KRS 157.621(1)(b), 157.621(3), or any other provision of this Act, shall be equalized at 25 percent of the calculated equalization funding in fiscal year 2020-2021, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2020 General Assembly that any local school district receiving partial equalization under this subsection in fiscal year 2020-2021 shall also be equalized for that levy at 25 percent of the calculated equalization funding in fiscal year 2021-2022, and shall receive full calculated equalization in the 2022-2024 fiscal biennium and thereafter until the earlier of June 30, 2038, or the date the bonds for the local school district supported by this equalization funding are retired in accordance with KRS 157.621(3).

**(14) BRAC Equalized Facility Funding:** Notwithstanding KRS 157.621(1)(c)2., included in the above General Fund appropriation is \$2,318,800 in fiscal year 2020-2021 to provide equalized facility funding to school districts meeting the eligibility requirements of KRS 157.621(1)(c)1. pursuant to KRS 157.440 and 157.620.

**(15) Equalization Funding for Critical Construction Needs Schools:** Included in the above General Fund appropriation is \$6,932,600 in fiscal year 2020-2021 to school districts in accordance with KRS 157.621(5).

**(16) Hold-Harmless Guarantee:** A modified hold-harmless guarantee is established in fiscal year 2020-2021 which provides that every local school district shall receive at least the same amount of 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.

**(17) 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 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 solely from the General Fund appropriation in Part I, A., 7. of this Act, and students enrolled in such programs shall not be included in the average daily attendance for purposes of SEEK Program funding.

## 2. OPERATIONS AND SUPPORT SERVICES

	2020-21	2021-22
General Fund	55,615,100	-0-
Restricted Funds	7,913,400	-0-
Federal Funds	410,152,800	-0-
TOTAL	473,681,300	-0-

**(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) Debt Service:** Included in the above General Fund appropriation is \$959,500 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

**(3) Blind/Deaf Residential Travel Program:** Included in the above General Fund appropriation is \$492,300 in fiscal year 2020-2021 for the Blind/Deaf Residential Travel Program.

**(4) School Food Services:** Included in the above General Fund appropriation is \$3,555,900 in fiscal year 2020-2021 for the School Food Services Program.

(5) **Advanced Placement and International Baccalaureate Exams:** Notwithstanding KRS 160.348(3), included in the above General Fund appropriation is \$1,000,000 in fiscal year 2020-2021 to pay the cost of Advanced Placement and International Baccalaureate examinations for those students who meet the eligibility requirements for free or reduced-price meals.

(6) **Review of the Classification of Primary and Secondary School Buildings:** Included in the above General Fund appropriation is \$600,000 in fiscal year 2020-2021 to implement KRS 157.420(9) and (10). Notwithstanding KRS 45.229, any portion of the \$600,000 that has not been expended by the end of fiscal year 2020-2021 shall not lapse and shall carry forward. 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, 2021.

(7) **District Facility Plan Modifications:** Notwithstanding any statute to the contrary, a district may modify its district facility plan without convening the local planning committee for the sole purpose of complying with KRS 158.162(3)(d). Any modification shall identify an unmet requirement of KRS 158.162(3)(d) as the highest priority on the modified district facility plan, subject to approval by the local board of education and the Commissioner of Education.

### 3. LEARNING AND RESULTS SERVICES

	2020-21	2021-22
General Fund	1,076,768,700	-0-
Restricted Funds	38,248,400	-0-
Federal Funds	561,547,100	-0-
TOTAL	1,676,564,200	-0-

(1) **Kentucky Education Technology System:** Notwithstanding KRS 157.650 to 157.665, the School for the Deaf and the School for the Blind shall be fully eligible, along with local school districts, to participate in the Kentucky Education Technology System in a manner that takes into account the special needs of the students of these two schools.

(2) **Family Resource and Youth Services Centers:** Funds appropriated to establish and support Family Resource and Youth Services Centers shall be transferred in fiscal year 2020-2021 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 and the State Budget Director identifying the salary of the director. The Cabinet for Health and Family Services shall transmit any reports received from Family Resource and Youth Services Centers pursuant to this paragraph to the Legislative Research Commission.

(3) **Health Insurance:** Included in the above General Fund appropriation is \$749,844,400 in fiscal year 2020-2021 for employer contributions for health insurance and the contribution to the health reimbursement account for employees waiving coverage.

(4) **Program Flexibility:** Notwithstanding KRS 158.070(8) and 158.446, local school districts shall be provided additional flexibility in the utilization of funds for Extended School Services and Safe Schools. 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 fiscal year 2020-2021. 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 the amount of funding from each program utilized for general operating expenses.

(5) **Center for School Safety:** Included in the above General Fund appropriation is \$13,000,000 in fiscal year 2020-2021 for the Center for School Safety. 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, 158.4415, 158.4416, 158.442, 158.445, and 158.446, except that no more than \$1,300,000 in fiscal year 2020-2021 may be retained for administrative purposes.

**(6) Allocations to School-Based Decision Making Councils:** Notwithstanding KRS 160.345(8), for fiscal year 2020-2021, 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.

**(7) Kentucky School for the Blind and Kentucky School for the Deaf:** Included in the above General Fund appropriation is \$6,853,100 in fiscal year 2020-2021 for the Kentucky School for the Blind and \$10,080,600 in fiscal year 2020-2021 for the Kentucky School for the Deaf.

**(8) Career and Technical Education:** Included in the above General Fund appropriation is \$64,149,700 in fiscal year 2020-2021 for career and technical education. Of this amount, \$12,043,500 in fiscal year 2020-2021 shall be distributed as supplemental funding to local area vocational education centers. Notwithstanding KRS 157.069, Category II and III programs in districts that also enroll students at a state-operated vocational education and technology center physically located in a different time zone shall be included in the distribution. Notwithstanding KRS 157.069, Category II and III programs in districts established after June 21, 2001, shall be included in the distribution if approved by the Commissioner of Education.

**(9) 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 five 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.

**(10) School-Based Mental Health Services Providers:** Included in the above General Fund appropriation is \$7,412,500 in fiscal year 2020-2021 to fund additional school-based mental health services provider full-time equivalent positions on a reimbursement basis. The Kentucky Center for School Safety, in consultation with the Office of the State School Security Marshal, shall develop criteria to determine which districts shall receive funding to meet the requirements of KRS 158.4416(3)(a). The criteria shall include:

- (a) A local district's use of Medicaid funding to supplement General Fund;
- (b) An equitable and balanced statewide distribution; and
- (c) Any other criteria to support a trauma-informed approach in schools.

**(11) Redistribution of Resources:** Notwithstanding KRS 156.095, 156.553, 156.555, 157.390, 158.070, 158.770, 158.775, 158.805, 161.027 to 161.030, 161.165, and 161.167, no General Fund is provided for the Professional Development Program, the Commonwealth School Improvement Fund, the Leadership and Mentor Fund, the Middle School Academic Center, the Teacher's Professional Growth Fund, the Teacher Academies Program, the Writing Program, the Kentucky Principal Internship Program, the Kentucky Teacher Internship Program, and the Kentucky Academy for Equity in Teaching in order to increase funding for school-based mental health services providers.

**(12) Learning and Results Services Programs:** Included in the above General Fund appropriation are the following allocations for fiscal year 2020-2021, but no portion of these funds shall be utilized for state-level administrative purposes:

- (a) \$1,700,000 for AdvanceKentucky;
- (b) \$1,200,000 for the Collaborative Center for Literacy Development;
- (c) \$1,850,000 for the Community Education Program;
- (d) \$23,916,300 for the Extended School Services Program;
- (e) \$48,889,000 for the Family Resource and Youth Services Centers Program;
- (f) \$6,208,400 for the Gifted and Talented Program;
- (g) \$100,000 for the Hearing and Speech Center;
- (h) \$100,000 for the Heuser Hearing and Language Academy;
- (i) Notwithstanding KRS 154A.130(4), \$250,000 for the Jobs for America's Graduates Program;
- (j) \$250,000 for the Kentucky Alliance of Boys & Girls Clubs;

- (k) \$9,465,500 for the Kentucky Educational Collaborative for State Agency Children;
- (l) \$1,391,000 for Local School District Life Insurance;
- (m) \$5,019,000 for the Mathematics Achievement Fund;
- (n) \$84,481,100 for the Preschool Program;
- (o) \$15,936,600 for the Read to Achieve Program;
- (p) \$1,300,000 for Save the Children;
- (q) \$500,000 for Teach for America; and
- (r) \$250,000 for the Visually Impaired Preschool Services Program.

**(13) Area Technology Center Authority:** Notwithstanding KRS 157.069, for the first year a local board of education assumes authority for the management and control of a state-operated secondary vocational education and technology center on or after the effective date of this Act, the locally operated center shall receive funding in an amount not less than 100 percent of the annual state General Fund appropriation allocated to the center for on-site direct costs for the budget year immediately preceding the transfer, including any amount allocated directly to the local district for use of district-owned facilities. In the second year, after the local board of education assumes authority of a state-operated center and annually thereafter, the center shall annually receive an amount not less than 75 percent of the amount allocated to it the previous year. The remaining 25 percent of funds previously allocated to the center shall annually be allocated to locally operated secondary area centers and vocational departments that do not receive state supplemental funds under Part I, C., 3., (8) of this Act.

Notwithstanding KRS 156.844(1), if a state-operated secondary vocational education and technology center serves more than one school district, any agreement shall require the local board to continue to serve the additional school district or districts through an interlocal agreement.

Notwithstanding KRS 156.844(2) and (5), a certified employee who has earned continuing status in the state certified personnel system under KRS 156.800 to 156.860 may be granted a continuing service contract as defined in KRS 161.720 upon transfer to a local board of education; a principal who has earned continuing status prior to transfer may be granted a continuing service contract, but the provisions relating to demotion of the principal under KRS 161.765 shall apply; and a classified employee who has four years of continuous active service in the state certified personnel system under KRS 156.800 to 156.860 at the time of transfer may be offered an employment contract at the time of transfer that shall be considered a continuing service contract as defined in KRS 161.720 for a minimum of five complete school terms.

#### **TOTAL - DEPARTMENT OF EDUCATION**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	4,106,080,500	-0-
Restricted Funds	46,161,800	-0-
Federal Funds	971,699,900	-0-
<b>TOTAL</b>	<b>5,123,942,200</b>	<b>-0-</b>

#### **D. EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

##### **Budget Units**

##### **1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT**

	<b>2020-21</b>	<b>2021-22</b>
General Fund (Tobacco)	1,400,000	-0-
General Fund	6,705,400	-0-
Restricted Funds	7,968,800	-0-
Federal Funds	11,146,500	-0-
<b>TOTAL</b>	<b>27,220,700</b>	<b>-0-</b>

**(1) Early Childhood Development:** Included in the above General Fund (Tobacco) appropriation is \$1,400,000 in fiscal year 2020-2021 for the Early Childhood Advisory Council.



(2) **Governor's Scholars Program:** Included in the above General Fund appropriation is \$1,758,700 in fiscal year 2020-2021 for the Governor's Scholars Program.

(3) **Governor's School for Entrepreneurs:** Included in the above General Fund appropriation is \$362,700 in fiscal year 2020-2021 for the Governor's School for Entrepreneurs.

(4) **Kentucky Center for Statistics:** Included in the above General Fund appropriation is \$1,200,000 in fiscal year 2020-2021 to sustain the State Longitudinal Data System.

(5) **The Hope Center:** Included in the above General Fund appropriation is \$100,000 in fiscal year 2020-2021 for the Hope Center.

## 2. PROPRIETARY EDUCATION

	2020-21	2021-22
Restricted Funds	331,900	-0-

## 3. DEAF AND HARD OF HEARING

	2020-21	2021-22
General Fund	970,200	-0-
Restricted Funds	1,178,200	-0-
TOTAL	2,148,400	-0-

## 4. KENTUCKY EDUCATIONAL TELEVISION

	2020-21	2021-22
General Fund	15,054,000	-0-
Restricted Funds	1,524,800	-0-
TOTAL	16,578,800	-0-

## 5. ENVIRONMENTAL EDUCATION COUNCIL

	2020-21	2021-22
Restricted Funds	506,900	-0-
Federal Funds	316,000	-0-
TOTAL	822,900	-0-

(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

	2020-21	2021-22
General Fund	4,747,100	-0-
Restricted Funds	3,161,400	-0-
Federal Funds	2,586,400	-0-
TOTAL	10,494,900	-0-

### b. Direct Local Aid

	2020-21	2021-22
General Fund	4,329,600	-0-
Restricted Funds	1,046,900	-0-
TOTAL	5,376,500	-0-

(1) **Per Capita Grants:** Notwithstanding KRS 171.201, no General Fund is provided for non-construction state aid.

(2) **Public Libraries Facilities Construction:** Included in the above General Fund appropriation is \$4,329,600 in fiscal year 2020-2021 for the Public Libraries Facilities Construction Fund.

#### **TOTAL - LIBRARIES AND ARCHIVES**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	9,076,700	-0-
Restricted Funds	4,208,300	-0-
Federal Funds	2,586,400	-0-
<b>TOTAL</b>	<b>15,871,400</b>	<b>-0-</b>

#### **7. WORKFORCE INVESTMENT**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	34,867,900	-0-
Restricted Funds	14,227,100	-0-
Federal Funds	502,294,700	-0-
<b>TOTAL</b>	<b>551,389,700</b>	<b>-0-</b>

(1) **Unemployment Compensation Administration Fund:** Notwithstanding KRS 341.240 and 341.295, funds from the Unemployment Compensation Administration Fund may be used in fiscal year 2020-2021 to support the Wagner-Peyser Program.

(2) **Lapse and Carry Forward of General Fund Appropriation:** Not less than \$2,000,000 of unexpended Office of Adult Education funds in fiscal year 2019-2020 shall lapse to the General Fund. Notwithstanding KRS 45.229, the General Fund balance for the Office of Adult Education for fiscal year 2019-2020 and fiscal year 2020-2021 shall not lapse and shall carry forward.

(3) **Cafeteria Service Contracts:** No state agency shall enter into any contract with a nongovernmental entity for the operation of food services provided in the cafeterias located in the Kentucky Transportation Cabinet office building and/or the Cabinet for Human Resources office building in Frankfort unless the Office of Vocational Rehabilitation has declined in writing to provide such services.

(4) **Adult Education:** Included in the above General Fund appropriation is \$18,407,600 in fiscal year 2020-2021 for the Office of Adult Education.

(5) **Employer and Apprenticeship Services:** Included in the above General Fund appropriation is \$581,100 in fiscal year 2020-2021 for the Office of Employer and Apprenticeship Services. The Education and Workforce Development Cabinet shall provide a report by December 1, 2020, to the Interim Joint Committee on Education detailing the use of these funds.

#### **TOTAL - EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

	<b>2020-21</b>	<b>2021-22</b>
General Fund (Tobacco)	1,400,000	-0-
General Fund	66,674,200	-0-
Restricted Funds	29,946,000	-0-
Federal Funds	516,343,600	-0-
<b>TOTAL</b>	<b>614,363,800</b>	<b>-0-</b>

#### **E. ENERGY AND ENVIRONMENT CABINET**

##### **Budget Units**

##### **1. SECRETARY**

<b>2020-21</b>	<b>2021-22</b>
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General Fund	3,769,800	-0-
Restricted Funds	22,296,800	-0-
Federal Funds	1,337,000	-0-
TOTAL	27,403,600	-0-

(1) **Volkswagen Settlement:** Included in the above Restricted Funds appropriation is \$20,378,600 in fiscal year 2020-2021 to administer the Consent Decrees in Volkswagen "Clean Diesel" Marketing, Sales 14 Practices, and Products Liability litigation. Of this amount:

(a) \$8,521,700 shall be used to reimburse local school districts for 50 percent of the purchase cost to replace up to five school buses per district currently in daily use meeting the necessary criteria with a chassis year of 2001 or earlier. If these funds are insufficient to cover 50 percent of the purchase costs of districts that have requested reimbursement by June 1, 2021, the reimbursement shall be pro rata reduced;

(b) \$8,521,700 shall be transferred to the Office of Transportation Delivery to replace public transit buses meeting the necessary criteria. Priority shall be given to maximizing Federal Transit Grants;

(c) \$3,056,700 shall be used for the purchase of light-duty, zero-emission vehicle supply equipment meeting the necessary criteria. Recipients shall provide at least 50 percent of matching funds per project; and

(d) \$278,500 may be used for administrative costs.

Notwithstanding Part III, 2. of this Act, unexpended Restricted Funds appropriated in this subsection shall become available for expenditure in the 2020-2022 biennium.

## 2. ADMINISTRATIVE SERVICES

	2020-21	2021-22
General Fund	5,175,900	-0-
Restricted Funds	4,350,300	-0-
Federal Funds	1,278,000	-0-
TOTAL	10,804,200	-0-

## 3. ENVIRONMENTAL PROTECTION

	2019-20	2020-21	2021-22
General Fund	700,000	23,067,100	-0-
Restricted Funds	-0-	77,058,700	-0-
Federal Funds	-0-	24,427,800	-0-
Road Fund	-0-	320,900	-0-
TOTAL	700,000	124,874,500	-0-

(1) **Debt Service:** Included in the above General Fund appropriation is \$140,000 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

## 4. NATURAL RESOURCES

	2020-21	2021-22
General Fund (Tobacco)	3,386,800	-0-
General Fund	36,068,600	-0-
Restricted Funds	13,722,600	-0-
Federal Funds	59,074,400	-0-
TOTAL	112,252,400	-0-

(1) **Emergency Forest Fire Suppression:** Not less than \$2,500,000 of the above General Fund appropriation in fiscal year 2020-2021 shall be set aside for emergency forest fire suppression. Any portion of the \$2,500,000 not expended for emergency forest fire suppression shall lapse to the General Fund at the end of the fiscal

year. 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 \$2,500,000 in fiscal year 2020-2021. Fire suppression costs in excess of \$2,500,000 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) **Environmental Stewardship Program:** Included in the above General Fund (Tobacco) appropriation is \$2,479,500 in fiscal year 2020-2021 for the Environmental Stewardship Program.

(3) **Conservation District Local Aid:** Included in the above General Fund (Tobacco) appropriation is \$907,300 in fiscal year 2020-2021 for the Division of Conservation to provide direct aid to local conservation districts.

(4) **Mine Safety Specialists:** It is the intent of the 2020 General Assembly to fund Mine Safety Specialists with coal severance tax collections in the 2022-2024 fiscal biennium.

(5) **Mine Safety Specialist Vacancies:** No Mine Safety Specialist vacancies shall be filled in the 2020-2022 fiscal biennium.

## 5. ENERGY POLICY

	2020-21	2021-22
General Fund	361,300	-0-
Restricted Funds	1,031,900	-0-
Federal Funds	546,200	-0-
TOTAL	1,939,400	-0-

## 6. KENTUCKY NATURE PRESERVES

	2020-21	2021-22
General Fund	1,253,600	-0-
Restricted Funds	2,065,800	-0-
Federal Funds	113,900	-0-
TOTAL	3,433,300	-0-

## 7. PUBLIC SERVICE COMMISSION

	2020-21	2021-22
General Fund	16,656,600	-0-
Restricted Funds	721,600	-0-
Federal Funds	710,600	-0-
TOTAL	18,088,800	-0-

(1) **Lapse of General Fund Appropriation Balance:** Notwithstanding KRS 278.150(3), \$7,185,200 in fiscal year 2020-2021 shall lapse to the General Fund.

(2) **Kentucky State Board on Electric Generation and Transmission Siting:** Notwithstanding Part III, 2. of this Act, unexpended Restricted Funds appropriated for the purposes of administering KRS 278.700 to 278.716 shall become available for expenditure in the 2020-2022 biennium.

## TOTAL - ENERGY AND ENVIRONMENT CABINET

	2019-20	2020-21	2021-22
General Fund (Tobacco)	-0-	3,386,800	-0-
General Fund	700,000	86,352,900	-0-
Restricted Funds	-0-	121,247,700	-0-
Federal Funds	-0-	87,487,900	-0-

Road Fund	-0-	320,900	-0-
TOTAL	700,000	298,796,200	-0-

## F. FINANCE AND ADMINISTRATION CABINET

### Budget Units

#### 1. GENERAL ADMINISTRATION

	2020-21	2021-22
General Fund	7,129,200	-0-
Restricted Funds	29,016,000	-0-
Road Fund	273,600	-0-
TOTAL	36,418,800	-0-

(1) **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, and those who are assigned vehicles 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. The above General Fund appropriation shall be used to assist with development of this report. Should the report not be submitted timely, the entire above General Fund appropriation shall be forfeited and all remaining funds shall lapse to the General Fund.

#### 2. CONTROLLER

	2020-21	2021-22
General Fund	5,576,700	-0-
Restricted Funds	14,352,700	-0-
TOTAL	19,929,400	-0-

(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. INSPECTOR GENERAL

	2020-21	2021-22
General Fund	596,000	-0-
Restricted Funds	673,700	-0-
TOTAL	1,269,700	-0-

#### 4. DEBT SERVICE

	2020-21	2021-22
General Fund (Tobacco)	30,863,200	-0-
General Fund	491,964,100	-0-
TOTAL	522,827,300	-0-

(1) **General Fund (Tobacco) Debt Service Lapse:** Notwithstanding Part X, (4) of this Act, \$1,926,600 in fiscal year 2020-2021 shall lapse to the General Fund.

#### 5. FACILITIES AND SUPPORT SERVICES

	2020-21	2021-22
General Fund	4,002,000	-0-
Restricted Funds	54,782,600	-0-

TOTAL	58,784,600	-0-
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(1) **Debt Service:** Included in the above General Fund appropriation is \$533,000 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

## 6. COUNTY COSTS

	2019-20	2020-21	2021-22
General Fund	2,800,000	19,743,500	-0-
Restricted Funds	-0-	1,702,500	-0-
TOTAL	2,800,000	21,446,000	-0-

(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.

(3) **Sheriffs' Expense Allowance:** Notwithstanding KRS 70.170, each sheriff performing the duties required under the provisions of KRS 70.150 shall be allowed the amount of \$2,400 annually, payable out of the State Treasury at the rate of \$200 per month for such services in the 2020-2022 fiscal biennium.

## 7. COMMONWEALTH OFFICE OF TECHNOLOGY

	2020-21	2021-22
Restricted Funds	134,891,600	-0-
Federal Funds	150,400	-0-
TOTAL	135,042,000	-0-

(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.

(2) **Service Rates:** Notwithstanding KRS 45.253(6), the Commonwealth Office of Technology shall maintain the rate schedule in effect in fiscal year 2019-2020 for services rendered or materials furnished during the 2020-2022 fiscal biennium, unless the services or materials are required by law to be furnished gratuitously. Enterprise assessments and security assessments not directly related to specific rated services shall not exceed fiscal year 2019-2020 levels.

## 8. REVENUE

	2020-21	2021-22
General Fund (Tobacco)	250,000	-0-
General Fund	99,714,100	-0-
Restricted Funds	13,091,800	-0-
Road Fund	3,773,800	-0-
TOTAL	116,829,700	-0-

(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.

(2) **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$250,000 of the Tobacco Settlement payments received in fiscal year 2020-2021 is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

## 9. PROPERTY VALUATION ADMINISTRATORS

	2020-21	2021-22
General Fund	56,446,700	-0-
Restricted Funds	3,500,000	-0-
TOTAL	59,946,700	-0-

(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.

(2) **Property Valuation Administrators' Expense Allowance:** Notwithstanding KRS 132.597, each property valuation administrator shall receive an expense allowance of \$2,400 annually, payable out of the State Treasury at the rate of \$200 per month in the 2020-2022 fiscal biennium.

(3) **Salary Increment:** Notwithstanding KRS 132.590, no increment is provided on the base salary or wages of each eligible property valuation administrator.

#### TOTAL - FINANCE AND ADMINISTRATION CABINET

	2019-20	2020-21	2021-22
General Fund (Tobacco)	-0-	31,113,200	-0-
General Fund	2,800,000	685,172,300	-0-
Restricted Funds	-0-	252,010,900	-0-
Federal Funds	-0-	150,400	-0-
Road Fund	-0-	4,047,400	-0-
TOTAL	2,800,000	972,494,200	-0-

#### G. HEALTH AND FAMILY SERVICES CABINET

##### Budget Units

##### 1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2020-21	2021-22
General Fund	10,323,200	-0-
Restricted Funds	49,866,200	-0-
Federal Funds	48,932,500	-0-
TOTAL	109,121,900	-0-

(1) **Debt Service:** Included in the above General Fund appropriation is \$199,000 in fiscal year 2020-2021 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, Office 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) **Kentucky All Schedule Prescription Electronic Reporting (KASPER) System:** In accordance with the appropriation as set forth in Part II, G., 1., 002. of this Act, the Cabinet for Health and Family Services shall issue a Request for Proposals to determine if a vendor can provide a system that is a scalable, cloud-based solution and is capable of best practices, including analytics and administrative dashboards, that also enables critical communications between practitioners, administrators, and doctors, and readily bridges patient transition directly to treatment. The Cabinet may include additional requirements for system functionalities that may improve the implementation of a new KASPER program.

(5) **Special Olympics:** Included in the above General Fund appropriation is \$50,000 in fiscal year 2020-2021 to support the operations of Special Olympics Kentucky.

## 2. OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

	2020-21	2021-22
General Fund	3,863,100	-0-
Restricted Funds	11,439,500	-0-
Federal Funds	4,551,800	-0-
TOTAL	19,854,400	-0-

## 3. MEDICAID SERVICES

### a. Medicaid Administration

	2020-21	2021-22
General Fund	59,304,800	-0-
Restricted Funds	10,547,500	-0-
Federal Funds	165,853,300	-0-
TOTAL	235,705,600	-0-

(1) **Transfer of Excess Administrative Funds for Medicaid Benefits:** If any portion of the above General Fund appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department, the amount may be used for Medicaid Benefits in accordance with statutes governing the functions and activities of the Department for Medicaid Services. In no instance shall these excess funds be used without prior written approval of the State Budget Director to:

- (a) Establish a new program;
- (b) Expand the services of an existing program; or
- (c) Increase rates or payment levels in an existing program.

Any transfer authorized under this subsection shall be approved by the Secretary of the Finance and Administration Cabinet upon recommendation of the State Budget Director.

(2) **Medicaid Service Category Expenditure Information:** No Medicaid managed care contract shall be valid and no payment to a Medicaid managed care vendor by the Finance and Administration Cabinet or the Cabinet for Health and Family Services shall be made, unless the Medicaid managed care contract contains a provision that the contractor shall collect Medicaid expenditure data by the categories of services paid for by the Medicaid Program. Actual statewide Medicaid expenditure data by all categories of Medicaid services, including mandated and optional Medicaid services, special expenditures/offsets, and Disproportionate Share Hospital payments by type of hospital, shall be compiled by the Department for Medicaid Services for all Medicaid providers and forwarded to the Interim Joint Committee on Appropriations and Revenue on a quarterly basis. Projections of Medicaid expenditures by categories of Medicaid services shall be provided to the Interim Joint Committee on Appropriations and Revenue upon request.

### b. Medicaid Benefits

	2020-21	2021-22
General Fund	2,002,581,200	-0-
Restricted Funds	820,676,300	-0-
Federal Funds	9,368,265,900	-0-
TOTAL	12,191,523,400	-0-

(1) **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.

(2) **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, including but not limited to the Cabinet for Health and Family Services, Department for Medicaid Services, and the appropriate providers. The Secretary of the Cabinet for Health and Family Services shall make the appropriate interim appropriations increase requests pursuant to KRS 48.630.

(3) **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 and implement 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 and approved by the Office of State Budget Director. No rate, 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.

(4) **Kentucky Access Fund:** Notwithstanding KRS 304.17B-021, funds are transferred from this source to Medicaid Benefits in each fiscal year.

(5) **Disproportionate Share Hospital (DSH) Program:** Hospitals shall report the uncompensated care for which, under federal law, the hospital is eligible to receive disproportionate share payments. Disproportionate share payments shall equal the maximum amounts established under federal law.

(6) **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.

(7) **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.

(8) **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.

(9) **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.

(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) Critical Access Hospitals:** Beginning with the effective date of this Act through June 30, 2022, 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, 2020, with the Kentucky State Office of Rural Health requesting funding for conducting a feasibility study.

**(12) 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, for which 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 the service or services under consideration in the appeal.

**(13) Medicaid Prescription Benefits Reporting:** Notwithstanding KRS 205.647, the Department for Medicaid Services shall submit a report to the Interim Joint Committee on Appropriations and Revenue and the Medicaid Oversight and Advisory Committee by December 1 of each fiscal year on the dispensing of prescription medications to persons eligible under KRS 205.560. The report shall include:

- (a) The total Medicaid dollars paid to the state pharmacy benefit manager by a managed care organization;
- (b) The total amount of Medicaid dollars paid to the state pharmacy benefit manager by a managed care organization which were not subsequently paid to a pharmacy licensed in Kentucky;
- (c) The average reimbursement by drug ingredient cost, dispensing fee, and any other fee paid by the state pharmacy benefit manager to licensed pharmacies with which the state pharmacy benefit manager shares common ownership, management, or control; or which are owned, managed, or controlled by any of the state pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company; or which share any common members on the board of directors; or which share managers in common;
- (d) The average reimbursement by drug ingredient cost, dispensing fee, or any other fee paid by the state pharmacy benefit manager to pharmacies licensed in Kentucky which operate ten locations, ten or fewer locations, or ten or more locations; and
- (e) All common ownership, management, common members of a board of directors, shared managers, or control of the state pharmacy benefit manager, or any of the state pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company with any managed care organization contracted to administer Kentucky Medicaid benefits, any entity which contracts on behalf of a pharmacy, or any pharmacy services administration organization, or any common ownership management, common members of a board of directors, shared managers, or control of a pharmacy services administration organization that is contracted with the state pharmacy benefit manager, with any drug wholesaler or distributor or any of the pharmacy services administration organizations, management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, common members of a board of directors, manager, or holding company.

**(14) Kentucky Children's Health Insurance Program (KCHIP):** Included in the above appropriation is \$46,453,100 in General Fund, \$500,000 in Restricted Funds, and \$234,638,800 in Federal Funds in fiscal year 2020-2021 to support the continuation of KCHIP services.

**(15) Supports for Community Living Waiver Program Rates:** If the Supports for Community Living Waiver Program experiences a material change in funding based upon a new or amended waiver that is approved by the Centers for Medicare and Medicaid Services, the Department for Medicaid Services may adjust the upper payment limit amount for a Supports for Community Living Waiver Program service as long as the upper payment limit for each service is not less than the upper payment limit in effect on January 1, 2020.

**(16) Substance Abuse Treatment for Incarcerated Individuals - Medicaid Demonstration Waiver:** Within ninety days after the effective date of this Act, the Department for Medicaid Services shall develop and submit an application for a Section 1115 demonstration waiver under 42 U.S.C. sec. 1315 to provide Medicaid coverage for substance use disorder treatment, including peer support services, to individuals incarcerated for a conviction under KRS Chapter 218A. Upon approval of the waiver, the cost of treatment for a substance use disorder or patient navigation provided by a licensed clinical social worker shall be a covered Medicaid benefit for an incarcerated individual.

#### **TOTAL - MEDICAID SERVICES**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	2,061,886,000	-0-
Restricted Funds	831,223,800	-0-
Federal Funds	9,534,119,200	-0-
<b>TOTAL</b>	<b>12,427,229,000</b>	<b>-0-</b>

#### **4. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES**

	<b>2020-21</b>	<b>2021-22</b>
General Fund (Tobacco)	1,916,000	-0-
General Fund	171,573,900	-0-
Restricted Funds	187,519,500	-0-
Federal Funds	70,602,900	-0-
<b>TOTAL</b>	<b>431,612,300</b>	<b>-0-</b>

**(1) Disproportionate Share Hospital Funds:** Pursuant to KRS 205.640(3)(a)2., mental health disproportionate share funds are budgeted at the maximum amounts permitted by Section 1923(h) 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. If there are remaining funds within the psychiatric pool after all private psychiatric hospitals reach their hospital-specific DSH limit, state mental hospitals may exceed the 92.3 percent limit but may not exceed their hospital-specific DSH limit.

**(2) Lease Payments for Eastern State Hospital:** Included in the above General Fund appropriation is \$11,256,700 in fiscal year 2020-2021 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 \$1,416,000 in fiscal year 2020-2021 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 \$275,000 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

**(5) Kentucky Rural Mental Health and Suicide Prevention Pilot Program:** Included in the above General Fund (Tobacco) appropriation is \$500,000 in fiscal year 2020-2021 to support the Kentucky Rural Mental Health and Suicide Prevention pilot program. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall coordinate with the Kentucky Department of Agriculture, the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, and other entities to enhance awareness of the National Suicide Prevention Lifeline (988) in rural communities in Kentucky and to improve access to information on mental health issues and available treatment services. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall provide cultural competency training to staff to address the unique mental health challenges

affecting the state's rural communities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall also provide outreach, treatment, and other necessary services to improve the mental health outcomes of rural communities in Kentucky. The Department for Behavioral Health, Developmental and Intellectual Disabilities, in conjunction with the Kentucky Department of Agriculture and the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, shall apply for federal funds as provided by the Agriculture Improvement Act of 2018, 7 U.S.C. sec. 5936, to supplement the General Fund (Tobacco) appropriation provided above. The Cabinet for Health and Family Services shall submit a report on the results of the pilot program, including but not limited to the number of participants, the mental health issues addressed, and the funding used to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Agriculture by June 30, 2021.

(6) **The Healing Place:** Included in the above General Fund appropriation is \$900,000 in fiscal year 2020-2021 to support direct services to clients provided by The Healing Place.

(7) **Regional Mental Health/Mental Retardation Boards Retirement Cost:** Included in the above General Fund appropriation is \$23,274,100 in fiscal year 2020-2021 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, Developmental and Intellectual Disabilities shall obtain the total creditable compensation reported by each Regional Mental Health/Mental Retardation Board to the Kentucky Retirement System and utilize that number to determine how much of this total appropriation shall be distributed to each Regional Mental Health/Mental Retardation Board. Payments to the Mental Health/Mental Retardation Boards shall be made on September 1 and April 1 of each fiscal year.

## 5. PUBLIC HEALTH

	2019-20	2020-21	2021-22
General Fund (Tobacco)	-0-	11,873,100	-0-
General Fund	300,000	78,915,500	-0-
Restricted Funds	-0-	87,388,300	-0-
Federal Funds	-0-	191,400,300	-0-
TOTAL	300,000	369,577,200	-0-

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$7,000,000 in fiscal year 2020-2021 for the Health Access Nurturing Development Services (HANDS) Program, \$942,000 in fiscal year 2020-2021 for Healthy Start initiatives, \$942,000 in fiscal year 2020-2021 for Early Childhood Mental Health, \$989,100 in fiscal year 2020-2021 for Early Childhood Oral Health, and \$2,000,000 in fiscal year 2020-2021 for Smoking Cessation.

(2) **Local and District Health Department Retirement Cost:** Included in the above General Fund appropriation is \$25,394,600 in fiscal year 2020-2021 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 Local and District Health Departments shall be made on September 1 and April 1 of each fiscal year.

(3) **Local and District Health Department Fees:** Notwithstanding KRS 211.170 and 211.180, local and district health departments shall retain 90 percent of the fees collected for delivering foundational public health program services to fund the costs of operations, services, and the employer contributions for the Kentucky Employees Retirement System.

(4) **Kentucky Poison Control Center and COVID-19 Hotline:** Included in the above General Fund appropriation is \$300,000 in fiscal year 2019-2020, and \$1,850,000 in fiscal year 2020-2021 for the Kentucky Poison Control Center and COVID-19 Hotline. If federal emergency relief funds become available for COVID-19-related poison control expenditures, those Federal Funds shall be used first to support the Kentucky Poison Control Center and COVID-19 Hotline, and any unexpended General Fund balance from the appropriations set forth in this subsection shall lapse to the General Fund.

(5) **Kentucky Colon Cancer Screening Program:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 to support the Kentucky Colon Cancer Screening Program.

(6) **Kentucky Pediatric Cancer Research Trust Fund:** Included in the above General Fund appropriation is \$2,500,000 in fiscal year 2020-2021 to the Kentucky Pediatric Cancer Research Trust Fund for general pediatric cancer research and support of expansion of clinical trials at the University of Kentucky and the University of Louisville.

(7) **Folic Acid Program:** General Fund (Tobacco) continuing appropriation reserves allotted to the Folic Acid Program shall be utilized by the Department for Public Health during the 2020-2022 fiscal biennium to continue the Folic Acid Program.

## 6. FAMILY RESOURCE CENTERS AND VOLUNTEER SERVICES

	2020-21	2021-22
General Fund	11,348,900	-0-
Federal Funds	7,053,300	-0-
TOTAL	18,402,200	-0-

(1) **Family Resource and Youth Services Centers Funds:** No more than three percent of the total funds transferred from the Department of Education to the Family Resource and Youth Services Centers, as consistent with KRS 156.496, shall be used for administrative purposes in each fiscal year.

If 70 percent or more of the funding level provided by the state is utilized to support the salary of the director of a Family Resource and Youth Services Center, that center shall provide a report to the Cabinet for Health and Family Services and the State Budget Director 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.

## 7. INCOME SUPPORT

	2020-21	2021-22
General Fund	13,616,600	-0-
Restricted Funds	11,053,500	-0-
Federal Funds	90,521,000	-0-
TOTAL	115,191,100	-0-

## 8. COMMUNITY BASED SERVICES

	2020-21	2021-22
General Fund (Tobacco)	12,250,000	-0-
General Fund	505,418,400	-0-
Restricted Funds	202,178,300	-0-
Federal Funds	650,431,100	-0-
TOTAL	1,370,277,800	-0-

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$9,750,000 in fiscal year 2020-2021 for the Early Childhood Development Program. Included in the above General Fund (Tobacco) appropriation is \$2,500,000 in fiscal year 2020-2021 for the Early Childhood Adoption and Foster Care Supports Program.

(2) **Contracted Entities Retirement Cost:** Included in the above General Fund appropriation is \$1,498,900 in fiscal year 2020-2021 for domestic violence shelters, rape crisis centers, and child advocacy centers to assist them with 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) **Fostering Success:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 for the Fostering Success Program. The Cabinet for Health and Family Services shall submit a report containing the results of the program, including but not limited to the number of participants, number and type of job placements, job training provided, and any available information pertaining to individual outcomes to the Interim Joint Committee on Appropriations and Revenue by July 1 of each fiscal year.

(4) **Relative Placement Support Benefit:** Included in the above General Fund appropriation is \$1,000,000 in fiscal year 2020-2021 for start-up costs associated with placing children with non-parental relatives.

(5) **Domestic Violence Shelters:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 for operational costs.

(6) **Rape Crisis Centers:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 for operational costs.

(7) **Dually Licensed Pediatric Facilities:** Included in the above General Fund appropriation is \$550,000 in fiscal year 2020-2021 to provide supplemental payments to dually licensed pediatric facilities for emergency shelter services for children.

(8) **Child Care Assistance Program:** Included in the above General Fund appropriation is \$10,600,000 in fiscal year 2020-2021 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.

(9) **Family Counseling and Trauma Remediation:** Included in the above General Fund appropriation is \$50,000 in fiscal year 2020-2021 to provide forensic interviews, family counseling, and trauma remediation services primarily in Jefferson County and surrounding Kentucky counties.

(10) **Child Advocacy Centers:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 to support the operations of the child advocacy centers.

(11) **Family Scholar House:** Included in the above General Fund appropriation is \$1,000,000 in fiscal year 2020-2021 to support the operations of the Family Scholar House.

(12) **Mental Illness or Intellectual Disability Supplemental Payments:** Included in the above General Fund appropriation is \$2,200,000 in fiscal year 2020-2021 to support an increase in the reimbursements provided to personal care homes which provide services to individuals diagnosed with a mental illness or intellectual disability.

## 9. AGING AND INDEPENDENT LIVING

	2020-21	2021-22
General Fund	45,269,700	-0-
Restricted Funds	2,816,700	-0-
Federal Funds	24,826,500	-0-
TOTAL	72,912,900	-0-

(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 2019-2020. 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.

## 10. HEALTH DATA AND ANALYTICS

	2020-21	2021-22
General Fund	481,400	-0-
Restricted Funds	7,078,900	-0-
Federal Funds	3,635,200	-0-
TOTAL	11,195,500	-0-

(1) **Kentucky Access Fund:** Notwithstanding KRS 304.17B-021, funds from this source are transferred to the Health Benefit Exchange in each fiscal year.

## TOTAL - HEALTH AND FAMILY SERVICES CABINET

	2019-20	2020-21	2021-22
General Fund (Tobacco)	-0-	26,039,100	-0-
General Fund	300,000	2,902,696,700	-0-

Restricted Funds	-0-	1,390,564,700	-0-
Federal Funds	-0-	10,626,073,800	-0-
TOTAL	300,000	14,945,374,300	-0-

## H. JUSTICE AND PUBLIC SAFETY CABINET

### Budget Units

#### 1. JUSTICE ADMINISTRATION

	2020-21	2021-22
General Fund (Tobacco)	3,516,600	-0-
General Fund	31,925,600	-0-
Restricted Funds	6,828,600	-0-
Federal Funds	45,119,800	-0-
TOTAL	87,390,600	-0-

(1) **Operation UNITE:** (a) Notwithstanding KRS 48.005(4), included in the above Restricted Funds appropriation is \$1,500,000 in fiscal year 2020-2021 for the Operation UNITE Program from settlement funds resulting from the suit against Purdue Pharma, et al.. Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 for the Operation UNITE Program.

(b) For the period ending June 30, 2020, the Secretary of the Justice and Public Safety Cabinet, in coordination with the Chief Executive Officer of Operation UNITE, shall prepare a report detailing for what purpose and function the funds were utilized. This report shall be submitted to the Interim Joint Committee on Appropriations and Revenue by September 1 of fiscal year 2020-2021.

(2) **Office of Drug Control Policy:** Included in the above General Fund (Tobacco) appropriation is \$3,166,600 in fiscal year 2020-2021 for the Office of Drug Control Policy.

(3) **Access to Justice:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 to support the Access to Justice Program.

(4) **Court Appointed Special Advocate Funding:** (a) Included in the above General Fund appropriation is \$1,500,000 in fiscal year 2020-2021 for grants to support Court Appointed Special Advocate (CASA) funding programs.

(b) No administrative costs shall be paid from the appropriation provided in paragraph (a) of this subsection.

(5) **Restorative Justice:** Included in the above General Fund (Tobacco) appropriation is \$350,000 in fiscal year 2020-2021 to support the Restorative Justice Program administered by the Volunteers of America.

#### 2. CRIMINAL JUSTICE TRAINING

	2020-21	2021-22
Restricted Funds	81,686,200	-0-
Federal Funds	120,000	-0-
TOTAL	81,806,200	-0-

(1) **Kentucky Law Enforcement Foundation Program Fund:** Included in the above Restricted Funds appropriation is \$76,878,700 in fiscal year 2020-2021 for the Kentucky Law Enforcement Foundation Program Fund.

(2) **Training Incentive Payments:** Notwithstanding Part III, 2. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support the provision of training incentive payments.

(3) **Administrative Reimbursement:** Notwithstanding KRS 15.450(3), the Department of Criminal Justice Training shall not receive reimbursement for the salaries and other costs of administering the fund, to include the Kentucky Law Enforcement Council operations and expenses, Peace Officers Professional Standards Office, attorney positions in the Department of Justice Administration, the Professional Development and Wellness Branch, Office of the State School Security Marshal, debt service, capital outlay, and Department personnel costs and expenses in excess of \$30,096,600 in fiscal year 2020-2021. The Department shall submit a report detailing reimbursed

expenditures for the prior fiscal year to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

**(4) Criminal Justice Council:** Pursuant to KRS 15.410 to 15.518, the Department of Criminal Justice Training shall not transfer funds from the Kentucky Law Enforcement Foundation Program Fund to support the Criminal Justice Council.

### 3. JUVENILE JUSTICE

	2020-21	2021-22
General Fund	97,775,800	-0-
Restricted Funds	15,480,000	-0-
Federal Funds	9,272,500	-0-
TOTAL	122,528,300	-0-

### 4. STATE POLICE

	2020-21	2021-22
General Fund	123,521,700	-0-
Restricted Funds	34,402,100	-0-
Federal Funds	13,764,700	-0-
Road Fund	108,100,200	-0-
TOTAL	279,788,700	-0-

**(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) Restricted Funds Uses:** Notwithstanding KRS 24A.179, 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.

**(3) Telecommunicator Training Incentive:** Included in the above General Fund appropriation is sufficient funding for a \$3,100 annual training incentive stipend for telecommunicators.

**(4) Debt Service:** Included in the above General Fund appropriation is \$295,000 in fiscal year 2020-2021 to support debt service for the Emergency Radio System Replacement, Phase II capital project set forth in Part II, H., 4., 001. of this Act.

**(5) Statewide Law Enforcement Initiatives:** (a) Included in the above General Fund appropriation is \$3,000,000 in fiscal year 2020-2021 to support rapid DNA laboratory analysis.

(b) Included in the above General Fund appropriation is \$180,000 in fiscal year 2020-2021 to support service contracts for mass spectrometry instruments.

**(6) Police Officer Salary Schedule:** Notwithstanding KRS 16.052(5), no salary of any officer 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.

### 5. CORRECTIONS

#### a. Corrections Management

	2020-21	2021-22
General Fund	14,595,600	-0-
Restricted Funds	150,000	-0-
Federal Funds	75,000	-0-



TOTAL	14,820,600	-0-
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(1) **Local Correctional Facilities:** Notwithstanding KRS 441.420, no funds are provided for reimbursement to counties for design fees for architectural and engineering services associated with any new local correctional facility approved by the Local Correctional Facilities Construction Authority.

(2) **Facility Reporting:** (a) The Department of Corrections shall continuously monitor its bed utilization of county jails, halfway houses, Recovery Kentucky Drug treatment centers, and all other community correctional residential facilities that are under contract with the Department. This monitoring shall include periodic review of its classification system to ensure that all offenders are placed in the least restrictive housing that provides appropriate security to protect public safety and provide ample opportunity for treatment and successful re-entry.

(b) On a quarterly basis, the Department shall submit a report detailing the average occupancy rate for each of these facility types outlined in paragraph (a) of this subsection to the Legislative Research Commission.

**b. Adult Correctional Institutions**

	2019-20	2020-21	2021-22
General Fund	13,415,600	357,631,000	-0-
Restricted Funds	-0-	17,976,100	-0-
Federal Funds	-0-	193,000	-0-
TOTAL	13,415,600	375,800,100	-0-

(1) **Debt Service:** Included in the above General Fund appropriation is \$460,000 in fiscal year 2020-2021 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) **Operational Costs for Inmate Population:** In the event that actual operational costs exceed the amounts appropriated to support the budgeted average daily population of state felons in fiscal year 2020-2021, the additional payments 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), 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.

(4) **Substance Abuse Treatment and Job Training Pilot Project:** (a) It is the intent of the General Assembly to reduce recidivism, enhance public safety, reduce overcrowding across the Commonwealth's correctional institutions and jails, promote workforce preparedness within the justice-involved population, and encourage successful re-entry of offenders.

(b) No later than September 1, 2020, the Department shall, in conformance with the provisions of KRS Chapter 45A, issue a solicitation for a Substance Abuse Treatment and Job Training pilot project that will include inpatient/residential treatment services for offenders with substance use disorders to receive evidence-based treatment, provide job training services, and coordinate work assignments for offenders within a centrally located facility.

(c) Any cost avoidance pursuant to the provisions of this subsection shall be reported on a quarterly basis to the Legislative Research Commission in each fiscal year. This report shall include but not be limited to the costs associated with the pilot project, the number of offenders participating in the pilot project, and the total number of days of sentence credit awarded by program type for offenders participating in the pilot project.

(d) Within ninety days after the effective date of this Act, the Department for Medicaid Services shall develop and submit an application for a Section 1115 demonstration waiver under 42 U.S.C. sec. 1315 to provide Medicaid coverage for substance use disorder treatment, including peer support services, to individuals incarcerated for a conviction under KRS Chapter 218A. Upon approval of the waiver, the cost of treatment for a substance use disorder or patient navigation provided by a licensed clinical social worker shall be a covered Medicaid benefit for an incarcerated individual.

**c. Community Services and Local Facilities**

2019-20	2020-21	2021-22
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General Fund	3,801,300	244,925,600	-0-
Restricted Funds	-0-	10,228,900	-0-
Federal Funds	-0-	694,900	-0-
TOTAL	3,801,300	255,849,400	-0-

(1) **Excess Local Jail Per Diem Costs:** In the event that actual local jail per diem payments exceed the amounts appropriated to support the budgeted average daily population of state felons in county jails for fiscal year 2020-2021, 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 \$3,000,000 in fiscal year 2020-2021 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, nursing home, or family placement 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 (e) of this subsection and that are willing to house any inmates deemed to meet the requirements of this subsection so long as contracted rates do not exceed current expenditures related to the provisions of this subsection.

(h) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet are encouraged to collaborate with other states that are engaged in similar efforts so as to achieve the mandates of this subsection.

(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, 2021. This submission shall include but not be limited to the projected state, county, and community offender populations for the 2022-2024 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, 2021. This submission shall clearly divulge the methodology and reasoning behind the projected costs avoided in a commitment to participate in transparent governing.

**d. Local Jail Support**

	2020-21	2021-22
General Fund	16,633,600	-0-

**(1) Local Corrections Assistance Fund Allocation:** Notwithstanding KRS 196.288(5)(a), included in the above General Fund appropriation is \$4,630,200 in fiscal year 2020-2021 for the Local Corrections Assistance Fund. Moneys in the fund shall be distributed to the counties in fiscal year 2020-2021. Amounts distributed from the fund shall be used to support local correctional facilities and programs, including the transportation of prisoners, as follows:

(a) In fiscal year 2020-2021, 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) Jailers' Allowance:** Notwithstanding KRS 441.115(2), each jailer shall receive an expense allowance of \$2,400 annually, at the rate of \$200 per month in fiscal year 2020-2021, for participation in the Jail Staff Training Program.

**(3) Life Safety or Closed Jails:** Included in the above General Fund appropriation is \$860,000 in fiscal year 2020-2021 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 \$792,800 in fiscal year 2020-2021 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 \$851,800 in fiscal year 2020-2021, 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.

**(5) County Jail Incentive Program:** (a) It is the intent of the General Assembly to incentivize county jails to offer evidence-based programs to state inmates housed in county jails. Program completions shall result in sentence credit awards to state inmates.

(b) No later than July 1, 2020, the Department shall issue guidance to counties, and submit a copy to the Legislative Research Commission, detailing the dollar amount of each incentive, the number of days of sentence credit awarded to eligible state inmates for each eligible program, standards that eligible county jails must achieve to be eligible for participation, and for which inmates county jails are incentivized to offer evidence-based programs.

(c) Any cost avoidance pursuant to the provisions of this subsection shall be reported on a quarterly basis to the Legislative Research Commission in each fiscal year. This report shall include but is not limited to the number of program completions by program type, the number of county jails participating in the incentive program, the total number of days of sentence credit awarded by program type, and the total amount of incentive payments awarded to each county by program type.

**TOTAL - CORRECTIONS**

	2019-20	2020-21	2021-22
General Fund	17,216,900	633,785,800	-0-

Restricted Funds	-0-	28,355,000	-0-
Federal Funds	-0-	962,900	-0-
TOTAL	17,216,900	663,103,700	-0-

**6. PUBLIC ADVOCACY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	66,576,800	-0-
Restricted Funds	5,792,000	-0-
Federal Funds	1,672,100	-0-
TOTAL	74,040,900	-0-

**(1) Compensatory Leave Conversion to Sick Leave:** If the Department of Public Advocacy determines that internal budgetary pressures warrant further austerity measures, the Public Advocate may institute a policy to suspend payment of 50-hour blocks of compensatory time for those attorneys who have accumulated 240 hours of compensatory time and instead convert those hours to sick leave.

**TOTAL - JUSTICE AND PUBLIC SAFETY CABINET**

	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
General Fund (Tobacco)	-0-	3,516,600	-0-
General Fund	17,216,900	953,585,700	-0-
Restricted Funds	-0-	172,543,900	-0-
Federal Funds	-0-	70,912,000	-0-
Road Fund	-0-	108,100,200	-0-
TOTAL	17,216,900	1,308,658,400	-0-

**I. LABOR CABINET****Budget Units****1. SECRETARY**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	9,598,100	-0-
Federal Funds	139,100	-0-
TOTAL	9,737,200	-0-

**2. WORKPLACE STANDARDS**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	1,774,000	-0-
Restricted Funds	6,524,100	-0-
Federal Funds	3,517,200	-0-
TOTAL	11,815,300	-0-

**3. WORKERS' CLAIMS**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	71,231,900	-0-

**4. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	715,700	-0-

**5. WORKERS' COMPENSATION FUNDING COMMISSION**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	99,978,600	-0-

**6. WORKERS' COMPENSATION NOMINATING COMMITTEE**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	1,100	-0-

**TOTAL - LABOR CABINET**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	1,774,000	-0-
Restricted Funds	188,049,500	-0-
Federal Funds	3,656,300	-0-
<b>TOTAL</b>	<b>193,479,800</b>	<b>-0-</b>

**J. PERSONNEL CABINET****Budget Units****1. GENERAL OPERATIONS**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	30,121,500	-0-

(1) **Pro Rata Assessment:** Included in the above Restricted Funds appropriation is \$2,690,700 in fiscal year 2020-2021 to be transferred to the General Fund to support debt service on bonds previously issued for the Kentucky Human Resources Information System.

**2. PUBLIC EMPLOYEES DEFERRED COMPENSATION AUTHORITY**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	8,284,500	-0-

**3. WORKERS' COMPENSATION BENEFITS AND RESERVE**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	24,094,200	-0-

**TOTAL - PERSONNEL CABINET**

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	62,500,200	-0-

**K. POSTSECONDARY EDUCATION****Budget Units****1. COUNCIL ON POSTSECONDARY EDUCATION**

	<b>2020-21</b>	<b>2021-22</b>
General Fund (Tobacco)	7,526,100	-0-
General Fund	8,086,400	-0-
Restricted Funds	6,435,200	-0-
Federal Funds	3,997,000	-0-
<b>TOTAL</b>	<b>26,044,700</b>	<b>-0-</b>

(1) **Interest Earnings Transfer from the Strategic Investment and Incentive Trust Fund Accounts:** Notwithstanding KRS 164.7911 to 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.

(2) **Cancer Research and Screening:** Included in the above General Fund (Tobacco) appropriation is \$6,876,100 in fiscal year 2020-2021 for cancer research and screening. The appropriation in fiscal year 2020-2021 shall be equally shared between the University of Kentucky and the University of Louisville.

(3) **Southern Regional Education Board Dues:** Included in the above General Fund appropriation is \$211,600 in fiscal year 2020-2021 for Southern Regional Education Board dues.

(4) **Doctoral Scholars:** Included in the above General Fund appropriation is \$50,000 in fiscal year 2020-2021 for the Southern Regional Education Board Doctoral Scholars Program.

(5) **Ovarian Cancer Screening:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 for the Ovarian Cancer Screening Outreach Program at the University of Kentucky.

(6) **Redistribution of Resources:** Notwithstanding KRS 164.028 to 164.0282, no General Fund is provided for Professional Education Preparation in order to increase funding for Veterinary Medicine and Optometry contract spaces.

(7) **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.

(8) **Disposition of Postsecondary Institution Property:** Notwithstanding KRS 45.777, a postsecondary institution's governing board may elect to sell or dispose of real property or major items of equipment and proceeds from the sale shall be designated to the funding sources, on a proportionate basis, used for acquisition of the equipment or property to be sold.

(9) **Spinal Cord and Head Injury Research:** Included in the above General Fund (Tobacco) appropriation is \$650,000 in fiscal year 2020-2021 for spinal cord and head injury research. In accordance with KRS 211.500 to 211.504, the appropriation in fiscal year 2020-2021 shall be shared between the University of Kentucky and the University of Louisville.

## 2. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

	2020-21	2021-22
General Fund	279,293,600	-0-
Restricted Funds	32,703,300	-0-
Federal Funds	33,800	-0-
TOTAL	312,030,700	-0-

(1) **College Access Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$87,555,200 in fiscal year 2020-2021 for the College Access Program.

(2) **Kentucky Tuition Grant Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$44,078,100 in fiscal year 2020-2021 for the Kentucky Tuition Grant Program.

(3) **Kentucky National Guard Tuition Award Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$7,398,100 in fiscal year 2020-2021 for the National Guard Tuition Award Program.

(4) **Kentucky Educational Excellence Scholarships (KEES):** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$113,768,600 in fiscal year 2020-2021 for the Kentucky Educational Excellence Scholarships (KEES). Included in the above Restricted Funds appropriation is \$10,000,000 in fiscal year 2020-2021 for KEES.

(5) **Work Ready Scholarship Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$7,300,000 in fiscal year 2020-2021 for the Work Ready Scholarship Program.

Notwithstanding KRS 164.787, the dual credit component of the Work Ready Scholarship Program for high school students shall be funded and administered through the Dual Credit Scholarship Program.

**(6) Dual Credit Scholarship Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$13,150,000 in fiscal year 2020-2021 for the Dual Credit Scholarship Program. Notwithstanding KRS 164.786(1)(f) and 164.787(2)(d), the dual credit tuition rate ceiling shall be two-fifths of the per credit hour tuition amount charged by the Kentucky Community and Technical College System for in-state students. Notwithstanding KRS 164.786(1)(g)2. and (4)(b), priority for awarding scholarships shall be given in order to high school seniors, juniors, sophomores, and freshmen. Notwithstanding KRS 164.786(4)(c), eligible high school students may receive a dual credit scholarship for two career and technical education dual credit courses per academic year and two general education dual credit courses over the junior and senior years, up to a maximum of ten approved dual credit courses. Notwithstanding KRS 164.786(4)(d), dual credit scholarships awarded for the Spring 2020 semester shall not be reduced if the dual credit course is not successfully completed by the student as a result of the student's inability to properly access the new course delivery method due to the novel coronavirus (COVID-19).

**(7) Veterinary Medicine Contract Spaces:** Included in the above General Fund appropriation is \$5,248,000 in fiscal year 2020-2021 to fund 164 veterinary slots.

**(8) Optometry Contract Spaces:** Included in the above General Fund appropriation is \$795,600 in fiscal year 2020-2021 to fund 44 optometry slots.

**(9) Use of Lottery Revenues:** Notwithstanding KRS 154A.130(3) and (4), lottery revenues in the amount of \$273,250,000 in fiscal year 2020-2021 are appropriated to the Kentucky Higher Education Assistance Authority. Notwithstanding KRS 154A.130(4) and any provisions of this Act to the contrary, if lottery receipts received by the Commonwealth, excluding any unclaimed prize money received under Part III, 20. of this Act, exceed \$277,000,000 in fiscal year 2020-2021, the first \$3,000,000 of excess funds in fiscal year 2020-2021 shall be transferred to the Kentucky Higher Education Assistance Authority and appropriated in accordance with KRS 154A.130(4)(b), and any additional excess shall be held in a trust and agency account and shall not be expended or appropriated without the express authority of the General Assembly.

**(10) Redistribution of Resources:** Notwithstanding KRS 164.518, 164.740 to 164.764, 164.769, 164.7890(11)(c), 164.7891(11)(b), and 164.7894, no General Fund is provided for Early Childhood Development Scholarships, Work Study, the Teacher Scholarship Program, Coal County Pharmacy Scholarships, Osteopathic Medicine Scholarships, and Coal County College Completion Scholarships in order to provide additional funding to the College Access Program and Kentucky Tuition Grant Program.

### 3. EASTERN KENTUCKY UNIVERSITY

	2020-21	2021-22
General Fund	65,337,000	-0-
Restricted Funds	210,611,400	-0-
Federal Funds	135,500,000	-0-
TOTAL	411,448,400	-0-

**(1) Mandated Programs:** Included in the above General Fund appropriation is \$4,571,900 in fiscal year 2020-2021 for the Model Laboratory School.

**(2) Debt Service:** Included in the above General Fund appropriation is \$317,000 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

### 4. KENTUCKY STATE UNIVERSITY

	2019-20	2020-21	2021-22
General Fund	497,400	25,384,300	-0-
Restricted Funds	-0-	23,000,000	-0-
Federal Funds	-0-	20,497,400	-0-
TOTAL	497,400	68,881,700	-0-

**(1) Mandated Programs:** Included in the above General Fund appropriation is \$7,148,800 in fiscal year 2020-2021 to fund the state match payments required of land-grant universities under federal law.

**5. MOREHEAD STATE UNIVERSITY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	38,332,900	-0-
Restricted Funds	117,811,000	-0-
Federal Funds	29,983,300	-0-
<b>TOTAL</b>	<b>186,127,200</b>	<b>-0-</b>

**(1) Mandated Programs:** Included in the above General Fund appropriation are the following:

- (a) \$3,151,400 in fiscal year 2020-2021 for the Craft Academy for Excellence in Science and Mathematics;  
and  
(b) \$250,000 in fiscal year 2020-2021 for installation of the Jet Propulsion Laboratory antenna.

**6. MURRAY STATE UNIVERSITY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	43,753,800	-0-
Restricted Funds	120,152,400	-0-
Federal Funds	22,709,000	-0-
<b>TOTAL</b>	<b>186,615,200</b>	<b>-0-</b>

**(1) Mandated Programs:** Included in the above General Fund appropriation is \$3,200,000 in fiscal year 2020-2021 for the Breathitt Veterinary Center.

**7. NORTHERN KENTUCKY UNIVERSITY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	51,280,500	-0-
Restricted Funds	199,178,300	-0-
Federal Funds	13,075,600	-0-
<b>TOTAL</b>	<b>263,534,400</b>	<b>-0-</b>

**(1) Mandated Programs:** Included in the above General Fund appropriation is \$1,323,900 in fiscal year 2020-2021 for the Kentucky Center for Mathematics.

**8. UNIVERSITY OF KENTUCKY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	258,609,200	-0-
Restricted Funds	3,972,440,600	-0-
Federal Funds	280,222,000	-0-
<b>TOTAL</b>	<b>4,511,271,800</b>	<b>-0-</b>

**(1) Mandated Programs:** Included in the above General Fund appropriation are the following:

- (a) \$31,275,300 in fiscal year 2020-2021 for the College of Agriculture, Food, and Environment's Cooperative Extension Service;  
(b) \$29,479,600 in fiscal year 2020-2021 for the Kentucky Agricultural Experiment Station;  
(c) \$5,176,200 in fiscal year 2020-2021 for the Center for Applied Energy Research;  
(d) \$4,076,300 in fiscal year 2020-2021 for the Kentucky Geological Survey;  
(e) \$4,034,200 in fiscal year 2020-2021 for the Veterinary Diagnostic Laboratory;  
(f) \$2,040,500 in fiscal year 2020-2021 for the Sanders-Brown Center on Aging;



(g) \$1,800,000 in fiscal year 2020-2021 for the College of Agriculture, Food, and Environment's Division of Regulatory Services;

(h) \$ 600,000 in fiscal year 2020-2021 for the College of Agriculture, Food, and Environment's Kentucky Small Business Development Center;

(i) \$586,300 in fiscal year 2020-2021 for the University Press of Kentucky;

(j) Notwithstanding KRS 154A.130(4), \$500,000 in fiscal year 2020-2021 for the Human Development Institute for the Supported Higher Education Project;

(k) \$450,200 in fiscal year 2020-2021 for the Center of Excellence in Rural Health;

(l) \$450,200 in fiscal year 2020-2021 for the Kentucky Cancer Registry; and

(m) \$100,000 in fiscal year 2020-2021 for the Sports Medicine Research Institute.

**(2) Debt Service:** It is the intent of the 2020 General Assembly to provide sufficient debt service in fiscal year 2021-2022 to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

**(3) Restricted Funds Transfer:** Notwithstanding KRS 138.510 and 230.265, \$1,500,000 in Restricted Funds shall be transferred in fiscal year 2020-2021 from the Equine Drug Research Council under the Horse Racing Commission budget unit to the Equine Analytical Chemistry Lab.

## 9. UNIVERSITY OF LOUISVILLE

	2020-21	2021-22
General Fund	124,117,900	-0-
Restricted Funds	1,052,772,700	-0-
Federal Funds	120,084,400	-0-
TOTAL	1,296,975,000	-0-

**(1) Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$695,200 in fiscal year 2020-2021 for the Rural Health Education Program; and

(b) \$150,000 in fiscal year 2020-2021 for the Kentucky Autism Training Center.

## 10. WESTERN KENTUCKY UNIVERSITY

	2020-21	2021-22
General Fund	72,596,200	-0-
Restricted Funds	280,768,200	-0-
Federal Funds	32,340,000	-0-
TOTAL	385,704,400	-0-

**(1) Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,985,100 in fiscal year 2020-2021 for the Gatton Academy of Mathematics and Science; and

(b) \$750,000 in fiscal year 2020-2021 for the Kentucky Mesonet.

## 11. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

	2020-21	2021-22
General Fund	171,265,800	-0-
Restricted Funds	453,871,900	-0-
Federal Funds	220,482,800	-0-
TOTAL	845,620,500	-0-

**(1) Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,149,800 in fiscal year 2020-2021 for KCTCS-TRAINS;

- (b) \$1,869,900 in fiscal year 2020-2021 for the Kentucky Fire Commission;
- (c) \$1,799,700 in fiscal year 2020-2021 for the Kentucky Board of Emergency Medical Services; and
- (d) \$1,000,000 in fiscal year 2020-2021 for Adult Agriculture Education.

**(2) Firefighters Foundation Program Fund:** (a) Included in the above Restricted Funds appropriation is \$50,560,000 in fiscal year 2020-2021 for the Firefighters Foundation Program Fund.

(b) Notwithstanding Part III, 2. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support the provision of training incentive payments.

(c) Notwithstanding KRS 95A.200 to 95A.300, \$6,400,000 in fiscal year 2020-2021 shall be transferred to support projects as set forth in Part II, Capital Projects Budget, of this Act.

(d) Notwithstanding KRS 95A.200 to 95A.300, \$1,250,000 in fiscal year 2020-2021 shall be made available from the fund for a program to care for and treat firefighters affected by Post-Traumatic Stress Injury and Post-Traumatic Stress Disorder.

**(3) Firefighters Training Center Fund:** Notwithstanding KRS 95A.262(3), \$500,000 in Restricted Funds is provided in fiscal year 2020-2021 for the Firefighters Training Center Fund.

**(4) 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.

## 12. POSTSECONDARY EDUCATION PERFORMANCE FUND

	2020-21	2021-22
General Fund	14,994,800	-0-

**(1) Postsecondary Education Performance Fund:** Notwithstanding KRS 164.092(1)(e), "formula base amount" means an institution's General Fund appropriation from fiscal year 2019-2020, including adjustments reflecting the performance distribution from fiscal year 2019-2020 plus any additional appropriations in fiscal year 2020-2021, less debt service on bonds, and less appropriations for mandated programs.

### TOTAL - POSTSECONDARY EDUCATION

	2019-20	2020-21	2021-22
General Fund (Tobacco)	-0-	7,526,100	-0-
General Fund	497,400	1,153,052,400	-0-
Restricted Funds	-0-	6,469,745,000	-0-
Federal Funds	-0-	878,925,300	-0-
TOTAL	497,400	8,509,248,800	-0-

## L. PUBLIC PROTECTION CABINET

### Budget Units

#### 1. SECRETARY

	2020-21	2021-22
Restricted Funds	6,956,100	-0-

#### 2. KENTUCKY CLAIMS COMMISSION

	2020-21	2021-22
General Fund	1,005,400	-0-
Restricted Funds	911,200	-0-
Federal Funds	157,200	-0-
TOTAL	2,073,800	-0-

#### 3. PROFESSIONAL LICENSING

	2020-21	2021-22
Restricted Funds	5,123,100	-0-
<b>4. BOXING AND WRESTLING AUTHORITY</b>		
	2020-21	2021-22
Restricted Funds	183,000	-0-
<b>5. ALCOHOLIC BEVERAGE CONTROL</b>		
	2020-21	2021-22
Restricted Funds	7,236,200	-0-
Federal Funds	439,000	-0-
TOTAL	7,675,200	-0-
<b>6. CHARITABLE GAMING</b>		
	2020-21	2021-22
Restricted Funds	3,795,200	-0-
<b>7. FINANCIAL INSTITUTIONS</b>		
	2020-21	2021-22
Restricted Funds	13,114,000	-0-
<b>8. HORSE RACING COMMISSION</b>		
	2020-21	2021-22
General Fund	1,677,700	-0-
Restricted Funds	42,569,200	-0-
TOTAL	44,246,900	-0-

(1) **Administration and Regulation of Racing:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 to support one full-time Safety Steward and additional Investigator positions.

(2) **Restricted Funds Transfer:** Notwithstanding KRS 138.510 and 230.265, \$1,500,000 in Restricted Funds shall be transferred in fiscal year 2020-2021 from the Equine Drug Research Council to the Equine Analytical Chemistry Lab at the University of Kentucky.

**9. HOUSING, BUILDINGS AND CONSTRUCTION**

	2020-21	2021-22
General Fund	2,629,800	-0-
Restricted Funds	22,355,700	-0-
TOTAL	24,985,500	-0-

(1) **Building Code Enforcement Positions:** Included in the above Restricted Funds appropriation is \$150,700 in fiscal year 2020-2021 to support Building Codes Field Inspector positions.

(2) **School Building Plan Reviews and Inspections:** Notwithstanding KRS 198B.060, local governments may have jurisdiction for plan review, inspection, and enforcement responsibilities over buildings intended for educational purposes, other than licensed day-care centers, at the discretion of the local school districts.

**10. INSURANCE**

	2020-21	2021-22
Restricted Funds	17,837,000	-0-
Federal Funds	600,000	-0-
TOTAL	18,437,000	-0-

**TOTAL - PUBLIC PROTECTION CABINET**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	5,312,900	-0-
Restricted Funds	120,080,700	-0-
Federal Funds	1,196,200	-0-
<b>TOTAL</b>	<b>126,589,800</b>	<b>-0-</b>

**M. TOURISM, ARTS AND HERITAGE CABINET****Budget Units****1. SECRETARY**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	3,276,300	-0-
Restricted Funds	15,263,200	-0-
<b>TOTAL</b>	<b>18,539,500</b>	<b>-0-</b>

**(1) Tourism Grants:** Included in the above Restricted Funds appropriation are the following allocations for the 2020-2022 fiscal biennium:

- (a) \$500,000 in fiscal year 2020-2021 for the Kentucky Mountain Regional Recreation Authority;
- (b) \$150,000 in fiscal year 2020-2021 to the Kenton County Fiscal Court to execute the planning, marketing, and implementation of the regional Jacob Spears Licking River Water Trail from Paris, Kentucky, to the Ohio River;
- (c) \$190,000 in fiscal year 2020-2021 for the Judge Joseph Holt House;
- (d) \$100,000 in fiscal year 2020-2021 for EP Tom Sawyer Park Tennis/Pickleball Courts; and
- (e) \$60,000 in fiscal year 2020-2021 for the Trail of Tears Pow Wow.

**(2) Kentucky Center for African American Heritage:** Included in the above General Fund appropriation is \$100,000 in fiscal year 2020-2021 for the Kentucky Center for African American Heritage.

**2. ARTISANS CENTER**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	290,300	-0-
Restricted Funds	1,801,300	-0-
Road Fund	573,800	-0-
<b>TOTAL</b>	<b>2,665,400</b>	<b>-0-</b>

**3. TOURISM**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	3,145,000	-0-
Restricted Funds	60,000	-0-
<b>TOTAL</b>	<b>3,205,000</b>	<b>-0-</b>

**(1) Whitehaven Welcome Center:** Included in the above General Fund appropriation is \$130,000 in fiscal year 2020-2021 to support the Whitehaven Welcome Center.

**4. PARKS**

	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
General Fund	2,700,000	47,547,900	-0-
Restricted Funds	-0-	52,285,900	-0-

TOTAL	2,700,000	99,833,800	-0-
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(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 \$398,000 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Capitol Annex Cafeteria:** Included in the above General Fund appropriation is \$234,400 in fiscal year 2020-2021 to support the Capitol Annex cafeteria operated by the Department of Parks.

#### 5. HORSE PARK COMMISSION

	<b>2020-21</b>	<b>2021-22</b>
General Fund	1,729,000	-0-
Restricted Funds	11,290,000	-0-
TOTAL	13,019,000	-0-

#### 6. STATE FAIR BOARD

	<b>2020-21</b>	<b>2021-22</b>
General Fund	4,416,400	-0-
Restricted Funds	49,643,800	-0-
TOTAL	54,060,200	-0-

(1) **Debt Service:** Included in the above General Fund appropriation is \$302,500 in fiscal year 2020-2021 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

#### 7. FISH AND WILDLIFE RESOURCES

	<b>2020-21</b>	<b>2021-22</b>
Restricted Funds	49,139,400	-0-
Federal Funds	19,381,900	-0-
TOTAL	68,521,300	-0-

(1) **Fish and Wildlife Resources Peace Officers' Stipend:** Notwithstanding Part III, 2. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support the provisions of KRS 15.460(1)(a).

(2) **Fees-in-Lieu-of Stream Mitigation Reporting:** The Department of Fish and Wildlife Resources shall develop a report of all projects managed by the Fees-in-Lieu-of Stream Mitigation Program. The Department shall present this report to the Interim Joint Committee on Tourism, Small Business, and Information Technology by August 1, 2021.

#### 8. HISTORICAL SOCIETY

	<b>2020-21</b>	<b>2021-22</b>
General Fund	6,456,700	-0-
Restricted Funds	894,300	-0-
Federal Funds	170,000	-0-
TOTAL	7,521,000	-0-

#### 9. ARTS COUNCIL

	<b>2020-21</b>	<b>2021-22</b>
General Fund	1,537,900	-0-
Restricted Funds	352,600	-0-
Federal Funds	708,500	-0-

TOTAL	2,599,000	-0-
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**10. HERITAGE COUNCIL**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	738,400	-0-
Restricted Funds	779,900	-0-
Federal Funds	869,200	-0-
TOTAL	2,387,500	-0-

**11. KENTUCKY CENTER FOR THE ARTS**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	558,300	-0-

**TOTAL - TOURISM, ARTS AND HERITAGE CABINET**

	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
General Fund	2,700,000	69,696,200	-0-
Restricted Funds	-0-	181,510,400	-0-
Federal Funds	-0-	21,129,600	-0-
Road Fund	-0-	573,800	-0-
TOTAL	2,700,000	272,910,000	-0-

**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 2020-2022 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, 2020, 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, 2020; (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, 2020. Notwithstanding the criteria set forth in this subsection, the disposition of 2020-2022 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to 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; Bond-funded, Restricted Fund, and Aircraft maintenance pools; Postsecondary Education pools; Commonwealth Office of Technology Infrastructure Upgrades; and the Wastewater Treatment Upgrades pool. Notwithstanding any statute to the contrary, projects estimated to cost \$1,000,000 and over and equipment estimated to cost \$200,000 and over 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) Appropriation-Supported Debt:** To lower the cost of borrowing, the agencies identified in KRS 45A.850(1)(a) and (2)(a) are authorized to refinance appropriation supported debt obligations that have previously been issued and for which the Commonwealth is currently making lease-rental payments to meet the current debt service requirements. Such action is authorized provided that the principal amount of any such debt obligation is not increased and the term of the debt obligation is not extended. Any such refinancing shall still be subject to the requirements of KRS 45.750 to 45.810 for reporting to the Capital Projects and Bond Oversight Committee.

**(8) Cash Defeasance:** State agencies identified in KRS 45A.850(1)(a) and (2)(a) are authorized to economically or legally defease debt obligations that have previously been issued by the agency, or through a third-party but for which the Commonwealth or the agency is currently making lease-rental payments to meet the current debt service requirements. If Restricted Funds are used for the defeasance of bonds, the agency may use a prior Agency Bond authorization for a new debt obligation so long as the debt service for the new debt obligation is not greater than the debt service of the defeased bonds and the term of the new debt obligation is not greater than the term of the defeased bonds. Any such refinancing shall still be subject to the requirements of KRS 45.750 to 45.810 for reporting to the Capital Projects and Bond Oversight Committee.

#### A. GENERAL GOVERNMENT

Budget Units	2019-20	2020-21	2021-22
<b>1. DEPARTMENT OF VETERANS' AFFAIRS</b>			
<b>001. Nurse Call System – Additional Reauthorization (\$1,550,000 Investment Income)</b>			
Restricted Funds	4,500,000	-0-	-0-
<b>002. Improve/Expand Pavement and Parking Areas</b>			
Restricted Funds	-0-	1,600,000	-0-
<b>003. Construct Bowling Green Veterans Center</b>			
Federal Funds	-0-	19,500,000	-0-
Bond Funds	-0-	10,500,000	-0-
TOTAL	-0-	30,000,000	-0-
<b>004. Maintenance Pool – 2020-2022</b>			
Investment Income	-0-	600,000	-0-
<b>005. Replace Cooling Tower – Eastern Kentucky Veterans Center</b>			
Restricted Funds	-0-	400,000	-0-
<b>006. Replace Steam Boiler – Thomson-Hood Veterans Center</b>			
Restricted Funds	-0-	300,000	-0-
<b>2. KENTUCKY INFRASTRUCTURE AUTHORITY</b>			
<b>001. KIA Fund A – Federally Assisted Wastewater Program – 2020-2022</b>			
Federal Funds	-0-	20,428,000	-0-
Bond Funds	-0-	4,086,000	-0-
TOTAL	-0-	24,514,000	-0-

**(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 – 2020-2022**

Federal Funds	-0-	18,303,000	-0-
Bond Funds	-0-	4,561,000	-0-
TOTAL	-0-	22,864,000	-0-

(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 – 2018-2020 Reauthorization (\$30,000,000 Agency Bonds)**

**004. KIA Fund F – Drinking Water Revolving Loan Program – 2018-2020 Reauthorization (\$30,000,000 Agency Bonds)**

**3. MILITARY AFFAIRS****001. Maintenance Pool – 2020-2022**

Investment Income	-0-	1,500,000	-0-
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**002. Bluegrass Station Facility Maintenance Pool – 2020-2022**

Restricted Funds	-0-	1,000,000	-0-
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**003. Install Solar Panels at Armories Statewide Reauthorization (\$413,000 Restricted Funds, \$1,238,000 Federal Funds)**

**004. Construct Industrial Building at Bluegrass Station Reauthorization (\$15,000,000 Other Funds)**

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

**005. Construct Multi-purpose Building at Bluegrass Station Reauthorization (\$15,000,000 Other Funds)**

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

**006. Construct WHFRTC Qualification Training Range Reauthorization (\$6,515,000 Federal Funds)**

**4. ATTORNEY GENERAL**

**001. Franklin County – Lease**

**002. Upgrade Technology**

Bond Funds	-0-	2,000,000	-0-
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**5. UNIFIED PROSECUTORIAL SYSTEM**

**a. Commonwealth's Attorneys**

**001. Jefferson County – Lease**

**6. AGRICULTURE**

**001. Inspection and Licensing Project**

Restricted Funds	-0-	1,052,400	-0-
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**002. Franklin County – Lease**

**7. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS**

**a. Nursing**

**001. Jefferson County – Lease**

**8. KENTUCKY RIVER AUTHORITY**

**001. Locks 2 and 3 Upper Guide Wall Repair**

Restricted Funds	-0-	4,131,000	-0-
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**002. Design and Repair Dam 7 Reauthorization (\$3,081,000 Agency Bonds)**



**003.** Design and Repair Dam 6 Reauthorization (\$2,299,000 Agency Bonds)

**9. SCHOOL FACILITIES CONSTRUCTION COMMISSION**

**001.** Offers of Assistance – 2018-2020

Bond Funds	-0-	58,000,000	-0-
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**002.** School Facilities Construction Commission Reauthorization (\$84,500,000 Bond Funds)

**003.** Offers of Assistance - 2020-2022

Bond Funds	-0-	47,527,000	-0-
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**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 Fund Program, High-Tech Construction/Investment Pool, and the Kentucky Economic Development Finance Authority Loan Pool interchangeably for economic development projects.

**C. DEPARTMENT OF EDUCATION**

Budget Units	2020-21	2021-22
<b>1. OPERATIONS AND SUPPORT SERVICES</b>		
<b>001.</b> School Safety Facility Upgrades		
Bond Funds	18,200,000	-0-
<b>002.</b> State Schools HVAC Pool – 2020-2022		
Bond Funds	5,000,000	-0-
<b>003.</b> State Schools Roof Replacement Pool – 2020-2022		
Bond Funds	3,272,000	-0-
<b>004.</b> Maintenance Pool – 2020-2022		
Investment Income	1,000,000	-0-

**D. EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

Budget Units	2020-21	2021-22
<b>1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT</b>		
<b>001.</b> Maintenance Pool – 2020-2022		
Investment Income	600,000	-0-
<b>2. KENTUCKY EDUCATIONAL TELEVISION</b>		
<b>001.</b> Maintenance Pool – 2020-2022		
Investment Income	450,000	-0-
<b>3. LIBRARIES AND ARCHIVES</b>		
<b>a. General Operations</b>		
<b>001.</b> Franklin County – Lease		
<b>4. WORKFORCE INVESTMENT</b>		

**001.** Replace Unemployment Insurance System – Additional Reauthorization (\$10,440,000 Restricted Funds)

Restricted Funds	37,560,000	-0-
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**002.** Hardin County - Lease

**003.** Kenton County - Lease

#### **E. ENERGY AND ENVIRONMENT CABINET**

<b>Budget Units</b>	<b>2020-21</b>	<b>2021-22</b>
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##### **1. SECRETARY**

**001.** Maintenance Pool – 2020-2022

Investment Income	300,000	-0-
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##### **2. ENVIRONMENTAL PROTECTION**

**001.** State-Owned Dam Repair – 2020-2022

Bond Funds	7,000,000	-0-
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#### **F. FINANCE AND ADMINISTRATION CABINET**

<b>Budget Units</b>	<b>2020-21</b>	<b>2021-22</b>
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##### **1. FACILITIES AND SUPPORT SERVICES**

**001.** Capitol Campus Upgrade

Bond Funds	22,000,000	-0-
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**002.** Maintenance Pool – 2020-2022

Bond Funds	5,000,000	-0-
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**003.** Air Handler Replacement and Repair – Central Lab Reauthorization and Reallocation (\$189,700 Bond Funds)

Bond Funds	2,011,300	-0-
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**(1) Reauthorization and Reallocation:** The above project is authorized from a reallocation of the projects set forth in 2014 Ky. Acts ch. 117, Part II, F., 2., 002. and 2012 Ky. Acts ch. 144, Part II, F., 2., 002..

**004.** Elevator Upgrades Phase 1

Bond Funds	2,000,000	-0-
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**005.** HVAC Replacement and Repair COT Building

Investment Income	1,200,000	-0-
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**006.** Guaranteed Energy Savings Performance Contracts

##### **2. 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 2020-2022

Restricted Funds	4,000,000	-0-
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**002.** Boone County – Lease

##### **3. KENTUCKY LOTTERY CORPORATION**

**001.** Data Processing, Telecommunications, and Related Equipment

Other Funds	500,000	-0-
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#### **G. HEALTH AND FAMILY SERVICES CABINET**

<b>Budget Units</b>	<b>2020-21</b>	<b>2021-22</b>
<b>1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT</b>		
<b>001. Maintenance Pool – 2020-2022</b>		
Bond Funds	5,000,000	-0-
<b>002. KASPER</b>		
Federal Funds	1,820,000	-0-
Investment Income	180,000	-0-
TOTAL	2,000,000	-0-
<b>2. OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS</b>		
<b>001. Jefferson County – Lease</b>		
<b>3. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES</b>		
<b>001. Oakwood Renovate/Replace Cottages – Phase II</b>		
Bond Funds	8,000,000	-0-
<b>002. Western State Hospital – Electrical Upgrade – Phase III</b>		
Bond Funds	3,493,000	-0-
<b>003. Oakwood Replace, Upgrade, and Enhance Generators</b>		
Bond Funds	1,825,000	-0-
<b>4. PUBLIC HEALTH</b>		
<b>001. WIC Modernization</b>		
Federal Funds	10,756,000	-0-
<b>5. INCOME SUPPORT</b>		
<b>001. Franklin County – Lease</b>		
<b>6. COMMUNITY BASED SERVICES</b>		
<b>001. Boone County – Lease</b>		
<b>002. Boyd County – Lease</b>		
<b>003. Campbell County – Lease</b>		
<b>004. Daviess County – Lease</b>		
<b>005. Greenup County – Lease</b>		
<b>006. Fayette County – Lease</b>		
<b>007. Franklin County – Lease</b>		
<b>008. Hardin County – Lease</b>		
<b>009. Johnson County – Lease</b>		
<b>010. Kenton County – Lease</b>		
<b>011. Madison County – Lease</b>		
<b>012. Shelby County – Lease</b>		
<b>013. Warren County – Lease</b>		
<b>014. Perry County – Lease</b>		
<b>015. Muhlenberg County – Lease</b>		

**H. JUSTICE AND PUBLIC SAFETY CABINET**

<b>Budget Units</b>	<b>2020-21</b>	<b>2021-22</b>
<b>1. JUSTICE ADMINISTRATION</b>		
<b>001.</b> Franklin County – Lease		
<b>2. CRIMINAL JUSTICE TRAINING</b>		
<b>001.</b> Maintenance Pool – 2020-2022		
Restricted Funds	1,500,000	-0-
<b>3. JUVENILE JUSTICE</b>		
<b>001.</b> Maintenance Pool – 2020-2022		
Investment Income	1,500,000	-0-
<b>002.</b> Franklin County – Lease		
<b>4. STATE POLICE</b>		
<b>001.</b> Emergency Radio System Replacement, Phase II		
Bond Funds	52,450,000	-0-
<b>002.</b> Maintenance Pool – 2020-2022		
Investment Income	1,000,000	-0-
<b>003.</b> Two Mass Spectrometry Instruments		
General Fund	700,000	-0-
<b>5. CORRECTIONS</b>		
<b>a. Adult Correctional Institutions</b>		
<b>001.</b> Maintenance Pool – 2020-2022		
Bond Funds	5,000,000	-0-
<b>002.</b> Repair/Replace Roofs – Eastern Kentucky Correctional Complex		
Bond Funds	6,531,000	-0-
<b>003.</b> Install Emergency Generators – Luther Luckett and Green River		
Bond Funds	5,700,000	-0-
<b>004.</b> Floyd County – Lease		
<b>b. Community Services and Local Facilities</b>		
<b>001.</b> Fayette County – Lease		
<b>002.</b> Campbell County – Lease		
<b>003.</b> Jefferson County – Lease		
<b>6. PUBLIC ADVOCACY</b>		
<b>001.</b> Franklin County – Lease		
<b>002.</b> Fayette County – Lease		

**I. POSTSECONDARY EDUCATION**

<b>Budget Units</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
<b>1. COUNCIL ON POSTSECONDARY EDUCATION</b>			
<b>001.</b> Franklin County – Lease			
<b>2. KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION</b>			

**001. Jefferson County – Lease****3. EASTERN KENTUCKY UNIVERSITY****001. Replace and Renovate Student Housing**

Other Funds	-0-	50,000,000	-0-
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**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.**002. Demolish Building Pool**

Restricted Funds	-0-	20,000,000	-0-
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Other Funds	-0-	20,000,000	-0-
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TOTAL	-0-	40,000,000	-0-
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**003. Upgrade/Approve Athletics Facilities/Fields Pool**

Agency Bonds	-0-	25,000,000	-0-
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Other Funds	-0-	12,000,000	-0-
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TOTAL	-0-	37,000,000	-0-
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**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.**004. Campus Infrastructure Upgrade**

Other Funds	-0-	35,000,000	-0-
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**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.**005. Miscellaneous Maintenance Pool – 2020-2022**

Restricted Funds	-0-	20,000,000	-0-
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**006. Repair/Replace Infrastructure/Building System Pool**

Restricted Funds	-0-	20,000,000	-0-
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**007. Construct Regional Health Facility**

Federal Funds	-0-	15,000,000	-0-
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**008. Campus Data Network Pool**

Restricted Funds	-0-	13,000,000	-0-
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**009. Construct Alumni and Welcome Center**

Other Funds	-0-	13,000,000	-0-
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**010. Innovation and Commercialization Pool**

Other Funds	-0-	10,000,000	-0-
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**011. Renovate Mechanical Systems Pool**

Restricted Funds	-0-	10,000,000	-0-
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**012. Steam Line Upgrades**

Other Funds	-0-	10,000,000	-0-
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**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.**013. Upgrade and Improve Residence Halls**

Restricted Funds	-0-	10,000,000	-0-
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**014. Academic Computing Pool**

Restricted Funds	-0-	8,000,000	-0-
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**015. Scientific and Research Equipment Pool**

Restricted Funds	-0-	3,000,000	-0-
Federal Funds	-0-	2,200,000	-0-
Other Funds	-0-	2,200,000	-0-
TOTAL	-0-	7,400,000	-0-

**016. Administrative Computing Pool**

Restricted Funds	-0-	6,500,000	-0-
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**017. Commonwealth Hall Partial Repurposing and Renovation**

Restricted Funds	-0-	6,000,000	-0-
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**018. Property Acquisitions Pools**

Restricted Funds	-0-	3,000,000	-0-
Other Funds	-0-	3,000,000	-0-
TOTAL	-0-	6,000,000	-0-

**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.

**019. Aviation Acquisition Pool**

Restricted Funds	-0-	5,000,000	-0-
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**020. Construct Student Health Center**

Other Funds	-0-	2,705,000	-0-
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**021. University Services Space**

Restricted Funds	-0-	2,000,000	-0-
Other Funds	-0-	500,000	-0-
TOTAL	-0-	2,500,000	-0-

**022. Chemistry and Translational Research Pool**

Restricted Funds	-0-	675,000	-0-
Other Funds	-0-	350,000	-0-
TOTAL	-0-	1,025,000	-0-

**023. Natural Areas Improvement Pool**

Restricted Funds	-0-	825,000	-0-
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**024. Improve Campus Pedestrian, Parking, and Transport Reauthorization (\$15,000,000 Agency Bonds, \$12,000,000 Restricted Funds, \$3,000,000 Other Funds)**

**025. Guaranteed Energy Savings Performance Contracts****026. Aviation – Lease****027. New Housing Space – Lease****028. Madison County – Student Housing – Lease****029. Madison County – Land – Lease****030. Multi-Property – Multi-Use – Lease 1****031. Multi-Property – Multi-Use – Lease 2****032. Construct Aviation/Aerospace Instructional Facility**

Bond Funds	-0-	3,016,000	-0-
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**033. Purchase Aviation Maintenance Technician/Pilot Training Equipment**

	Bond Funds	-0-	5,000,000	-0-
<b>4.</b>	<b>KENTUCKY STATE UNIVERSITY</b>			
	<b>001.</b> Construct New Residence Hall			
	Other Funds	-0-	55,562,000	-0-
	<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
	<b>002.</b> Acquire Land/Master Plan – 2020-2022			
	Restricted Funds	-0-	1,044,000	-0-
	Federal Funds	-0-	1,044,000	-0-
	TOTAL	-0-	2,088,000	-0-
	<b>003.</b> Guaranteed Energy Savings Performance Contracts			
<b>5.</b>	<b>MOREHEAD STATE UNIVERSITY</b>			
	<b>001.</b> Construct New Residence Hall			
	Agency Bonds	-0-	37,956,000	-0-
	<b>002.</b> Capital Renewal and Maintenance Pool – Auxiliary			
	Agency Bonds	-0-	4,539,000	-0-
	<b>003.</b> Renovate Alumni Tower Ground Floor			
	Agency Bonds	-0-	3,812,000	-0-
	<b>004.</b> Replace Exterior Precast Panels – Nunn Hall			
	Agency Bonds	-0-	3,148,000	-0-
	<b>005.</b> Construct New Volleyball Facility – Phase 2			
	Agency Bonds	-0-	2,380,000	-0-
	<b>006.</b> Comply with ADA – Auxiliary			
	Agency Bonds	-0-	2,034,000	-0-
	<b>007.</b> Replace Turf on Jacobs Field			
	Agency Bonds	-0-	1,102,000	-0-
	<b>008.</b> Guaranteed Energy Savings Performance Contracts			
	<b>009.</b> Renovate Cartmell Residence Hall – Reauthorization (\$15,200,000 Agency Bonds)			
<b>6.</b>	<b>MURRAY STATE UNIVERSITY</b>			
	<b>001.</b> Construct Residential Housing			
	Other Funds	-0-	66,000,000	-0-
	<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
	<b>002.</b> Renovate/Replace Residence Hall			
	Agency Bonds	-0-	16,740,000	-0-
	<b>003.</b> Construct/Renovate Alternate Dining Facility			
	Other Funds	-0-	12,000,000	-0-
	<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
	<b>004.</b> Renovate Winslow Cafeteria			
	Restricted Funds	-0-	4,673,000	-0-
	<b>005.</b> Renovate Residence Hall Electrical System			

## ACTS OF THE GENERAL ASSEMBLY

Agency Bonds	-0-	4,180,000	-0-
<b>006. Acquire Property</b>			
Restricted Funds	-0-	4,000,000	-0-
<b>007. Repairs of Biology Building</b>			
Restricted Funds	4,000,000	-0-	-0-
<b>008. Renovate Residence Hall HVAC System</b>			
Agency Bonds	-0-	3,503,000	-0-
<b>009. Replace CFSB Center Seating</b>			
Restricted Funds	-0-	3,500,000	-0-
<b>010. Renovate Residence Hall Interior</b>			
Agency Bonds	-0-	1,601,000	-0-
<b>011. Install CFSB Center Generator</b>			
Restricted Funds	-0-	1,541,000	-0-
<b>012. Acquire Agriculture Research Farm Land</b>			
Restricted Funds	-0-	1,200,000	-0-
<b>013. Replace Residence Hall Domestic Water Piping</b>			
Agency Bonds	-0-	1,143,000	-0-
<b>014. Agriculture Instructional Laboratory and Technology Equipment</b>			
Other Funds	-0-	800,000	-0-
<b>015. Broadcasting Education Laboratory Equipment</b>			
Other Funds	-0-	225,000	-0-
<b>016. Guaranteed Energy Savings Performance Contracts</b>			
<b>017. Renovate Residence Hall or Replace - LTF</b>			
Other Funds	-0-	16,740,000	-0-
<b>018. Renovate Residence Hall Electrical System - LTF</b>			
Other Funds	-0-	4,180,000	-0-
<b>019. Renovate Residence Hall HVAC System - LTF</b>			
Other Funds	-0-	3,503,000	-0-
<b>020. Renovate Residence Hall Interior - LTF</b>			
Other Funds	-0-	1,601,000	-0-
<b>021. Replace Campus Communications Infrastructure (Fiber Ring)</b>			
Restricted Funds	-0-	4,640,000	-0-
<b>7. NORTHERN KENTUCKY UNIVERSITY</b>			
<b>001. Renew/Renovate Fine Arts Center Phase II</b>			
Restricted Funds	-0-	45,000,000	-0-
Other Funds	-0-	5,000,000	-0-
TOTAL	-0-	50,000,000	-0-
<b>002. Renovate/Expand Civic Center Building</b>			
Other Funds	-0-	8,000,000	-0-



**003. Renovate/Expand Business Academic Building**

Restricted Funds	-0-	33,000,000	-0-
Other Funds	-0-	8,000,000	-0-
TOTAL	-0-	41,000,000	-0-

**004. Replace Event Center Technology**

Other Funds	-0-	4,000,000	-0-
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(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

**005. Renew/Renovate Nunn Hall**

Restricted Funds	-0-	25,000,000	-0-
Other Funds	-0-	5,000,000	-0-
TOTAL	-0-	30,000,000	-0-

**006. Expand/Renovate Soccer Stadium**

Other Funds	-0-	3,500,000	-0-
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**007. Acquire Land/Master Plan 2010-2012 Reauthorization (\$17,500,000 Agency Bonds, \$4,000,000 Restricted Funds, \$4,000,000 Other Funds)**

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

**008. Replace Underground Utility Infrastructure**

Restricted Funds	-0-	6,700,000	-0-
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**009. Renew/Renovate Steely Library**

Restricted Funds	-0-	41,000,000	-0-
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**010. Renovate Brown Building Reauthorization (\$3,000,000 Restricted Funds, \$1,500,000 Other Funds)****011. Renew E&G Building Systems Projects Pool**

Restricted Funds	-0-	20,000,000	-0-
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**012. Construct Research/Innovation Building Reauthorization (\$30,000,000 Other Funds)**

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

**013. Construct /Acquire New Residence Hall Reauthorization (\$4,571,000 Agency Bonds)****014. Reconstruct West Side Parking Reauthorization (\$6,529,000 Agency Bonds)****015. Renovate/Construct Campbell Hall**

Restricted Funds	-0-	9,000,000	-0-
Other Funds	-0-	9,000,000	-0-
TOTAL	-0-	18,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

**016. Academic Space – Lease****017. Office Space – Lease****018. Guaranteed Energy Savings Performance Contracts****019. Renovate Residence Halls**

Agency Bonds	-0-	10,000,000	-0-
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**020. Renovate/Expand Baseball Field Additional Reauthorization**

Other Funds	-0-	6,700,000	-0-
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**021. Upgrade Admin/IT Infrastructure Pool**

Restricted Funds	-0-	15,500,000	-0-
Other Funds	-0-	6,000,000	-0-
TOTAL	-	21,500,000	-0-

**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.

**022. Enhance Student Union**

Restricted Funds	1,500,000	-0-	-0-
Other Funds	3,000,000	-0-	-0-
TOTAL	4,500,000	-0-	-0-

**8. UNIVERSITY OF KENTUCKY****001. Replace UK HealthCare IT Systems 1**

Restricted Funds	-0-	320,000,000	-0-
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**002. Improve UK HealthCare Facilities – UK Chandler Hospital**

Restricted Funds	-0-	310,000,000	-0-
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**003. Construct Library/Knowledge Center**

Restricted Funds	-0-	237,000,000	-0-
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**004. Improve Funkhouser Building**

Restricted Funds	-0-	92,000,000	-0-
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**005. Construct College of Medicine Building**

Restricted Funds	-0-	200,000,000	-0-
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**006. Construct Student Housing**

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.

**007. Improve Campus Parking and Transportation System**

Restricted Funds	-0-	150,000,000	-0-
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**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.

**008. Improve Parking/Transportation Systems UK HealthCare**

Restricted Funds	-0-	75,000,000	-0-
Other Funds	-0-	75,000,000	-0-
TOTAL	-0-	150,000,000	-0-

**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.

**009. Construct Digital Village Building 3**

Restricted Funds	-0-	70,000,000	-0-
Other Funds	-0-	70,000,000	-0-
TOTAL	-0-	140,000,000	-0-

**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.

**010. Facilities Renewal and Modernization**

Agency Bonds	-0-	125,000,000	-0-
<b>011. Acquire/Renovate Housing</b>			
Agency Bonds	-0-	40,000,000	-0-
Other Funds	-0-	35,000,000	-0-
TOTAL	-0-	75,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>012. Construct Retail/Parking Facility 1</b>			
Other Funds	-0-	75,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>013. Construct Retail/Parking Facility 2</b>			
Other Funds	-0-	75,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>014. Improve Center for Applied Energy Research Facilities</b>			
Restricted Funds	-0-	75,000,000	-0-
<b>015. Improve Multi-Disciplinary Science Building</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>016. Construct/Improve Greek Housing</b>			
Restricted Funds	-0-	36,000,000	-0-
Other Funds	-0-	36,000,000	-0-
TOTAL	-0-	72,000,000	-0-
<b>017. Renovate/Improve King Library</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>018. Construct Office Park at Coldstream</b>			
Other Funds	-0-	65,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>019. Improve Memorial Coliseum</b>			
Other Funds	-0-	65,000,000	-0-
<b>020. Implement Land Use Plan – UK HealthCare</b>			
Restricted Funds	-0-	60,000,000	-0-
<b>021. Acquire Land</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>022. Repair/Upgrade/Expand Central Plants</b>			
Restricted Funds	-0-	112,000,000	-0-
<b>023. Acquire Medical Facility 1</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>024. Improve Whalen Building &amp; Bay Facility</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>025. Acquire Medical Facility 2</b>			
Restricted Funds	-0-	50,000,000	-0-

<b>026. Acquire/Renovate Clinical Research Facility</b>			
Restricted Funds	-0-	8,000,000	-0-
<b>027. Acquire/Improve Clinical Administrative Facility 1</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>028. Construct Ambulatory Facility – UK HealthCare</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>029. Improve McVey Hall</b>			
Restricted Funds	-0-	35,000,000	-0-
<b>030. Construct Clinical/Administrative Facility 1</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>031. Improve Building Systems – UK HealthCare</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>032. Improve Campus Core Quadrangle Facilities</b>			
Restricted Funds	-0-	65,000,000	-0-
<b>033. Improve Clinical/Ambulatory Services Facilities UK HealthCare</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>034. Improve Reynolds Building 1</b>			
Restricted Funds	-0-	35,000,000	-0-
<b>035. Improve Coldstream Research Campus</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>036. Improve Scovell Hall</b>			
Restricted Funds	-0-	45,000,000	-0-
<b>037. Improve Pence Hall</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>038. Upgrade/Renovate/Expand Research Labs</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>039. Expand/Improve Kastle Hall</b>			
Restricted Funds	-0-	43,000,000	-0-
<b>040. Expand/Improve Barnhart Building</b>			
Other Funds	-0-	40,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>041. Improve Memorial Hall</b>			
Restricted Funds	-0-	13,000,000	-0-
<b>042. Purchase/Construct CO2 Capture Process Plant</b>			
Federal Funds	-0-	40,000,000	-0-
<b>043. Construct New Alumni Center</b>			
Other Funds	-0-	38,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>044. Improve Chemistry/Physics Building Phase 3</b>			

Restricted Funds	-0-	65,000,000	-0-
<b>045. Construct Tennis Facility</b>			
Restricted Funds	-0-	17,500,000	-0-
Other Funds	-0-	17,500,000	-0-
TOTAL	-0-	35,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>046. Improve Jacobs Science Building</b>			
Restricted Funds	-0-	32,000,000	-0-
<b>047. Construct Clinical/Administrative Facility 2</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>048. Construct/Improve Parking I</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>049. Improve Barnhart Building</b>			
Restricted Funds	-0-	40,000,000	-0-
<b>050. Construct/Improve Parking II</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>051. Decommission Facilities</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>052. Improve Parking Garage 1</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>053. Improve Parking Garage 2</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>054. Improve Sanders-Brown Building</b>			
Restricted Funds	-0-	35,000,000	-0-
<b>055. Research Equipment Replacement</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>056. Construct Teaching Pavilion</b>			
Restricted Funds	-0-	28,000,000	-0-
<b>057. Acquire/Improve Clinical/Administrative Facility 2</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>058. Improve Dentistry Facility</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>059. Improve Good Samaritan Hospital Facilities UK HealthCare</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>060. Improve Taylor Education Building</b>			
Restricted Funds	-0-	40,000,000	-0-
<b>061. Improve Medical Facility 1</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>062. Improve Dickey Hall</b>			

Restricted Funds	-0-	20,000,000	-0-
<b>063. Improve Medical Facility 2</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>064. Improve Anderson Tower</b>			
Restricted Funds	-0-	6,000,000	-0-
<b>065. Renovate/Upgrade UK HealthCare Facilities – Additional Reauthorization (\$75,000,000 Agency Bonds)</b>			
Agency Bonds	-0-	25,000,000	-0-
<b>066. Repair Emergency Infrastructure/Building Systems</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>067. Construct Agriculture Research Facility 1</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>068. Construct Library Depository Facility</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>069. Construct Indoor Track</b>			
Other Funds	-0-	20,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>070. Improve W.T. Young Facility</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>071. Construct Research/Incubator Facility</b>			
Other Funds	-0-	20,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>072. Renovate/Improve Nursing Building</b>			
Restricted Funds	-0-	2,000,000	-0-
<b>073. Construct/Expand/Renovate Ambulatory Care – UK HealthCare</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>074. Renovate/Improve Frazee Hall</b>			
Restricted Funds	-0-	11,000,000	-0-
<b>075. Expand/Improve Johnson Center</b>			
Restricted Funds	-0-	30,000,000	-0-
<b>076. Improve Markey Cancer Center – UK HealthCare</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>077. Improve Library Facility</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>078. Improve Student Center Space 2</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>079. Upgrade Dining Facilities</b>			
Restricted Funds	-0-	10,000,000	-0-
Other Funds	-0-	10,000,000	-0-

TOTAL	-0-	20,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>080.</b> Acquire Data Center Hardware – UK HealthCare			
Restricted Funds	-0-	15,000,000	-0-
<b>081.</b> Expand/Improve Willard Medical Education Building			
Restricted Funds	-0-	20,000,000	-0-
<b>082.</b> Acquire/Improve Elevator System – UK HealthCare			
Restricted Funds	-0-	15,000,000	-0-
<b>083.</b> Construct Engineering Center Building			
Restricted Funds	-0-	110,000,000	-0-
<b>084.</b> Construct/Improve Clinical/Administrative Facilities – UK HealthCare			
Restricted Funds	-0-	15,000,000	-0-
<b>085.</b> Construct/Improve Recreation Quad 1			
Restricted Funds	-0-	15,000,000	-0-
<b>086.</b> Improve Life Safety			
Restricted Funds	-0-	15,000,000	-0-
<b>087.</b> Construct/Fit-Up Retail Space			
Restricted Funds	-0-	10,000,000	-0-
Other Funds	-0-	5,000,000	-0-
TOTAL	-0-	15,000,000	-0-
<b>088.</b> Renovate/Improve Mineral Industries Building			
Restricted Funds	-0-	6,000,000	-0-
<b>089.</b> Improve Lancaster Aquatic Center 1			
Other Funds	-0-	12,000,000	-0-
<b>090.</b> Improve Medical Center Library			
Restricted Funds	-0-	12,000,000	-0-
<b>091.</b> Improve University Storage Facility			
Restricted Funds	-0-	12,000,000	-0-
<b>092.</b> Construct Equine Campus, Phase 2			
Restricted Funds	-0-	11,000,000	-0-
<b>093.</b> Improve Peterson Service Building			
Restricted Funds	-0-	14,000,000	-0-
<b>094.</b> Acquire Telemedicine/Virtual ICU – UK HealthCare			
Restricted Funds	-0-	10,000,000	-0-
<b>095.</b> Acquire/Renovate Administrative Facility			
Restricted Funds	-0-	10,000,000	-0-
<b>096.</b> Acquire/Upgrade IT System – UK HealthCare			
Restricted Funds	-0-	10,000,000	-0-
<b>097.</b> Construct Agriculture Research Facility 2			

Restricted Funds	-0-	10,000,000	-0-
<b>098. Construct Metal Arts/Digital Media Building</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>099. Construct/Renovate Gymnastic Practice Facility</b>			
Other Funds	-0-	10,000,000	-0-
<b>100. Implement Patient Communication System – UK HealthCare</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>101. Improve Moloney Building</b>			
Restricted Funds	-0-	17,000,000	-0-
<b>102. Improve Athletics Facility 1</b>			
Other Funds	-0-	10,000,000	-0-
<b>103. Improve Athletics Facility 2</b>			
Other Funds	-0-	10,000,000	-0-
<b>104. Improve Spindletop Hall Facilities</b>			
Restricted Funds	-0-	15,000,000	-0-
<b>105. Expand/Renovate/Improve Sturgill Development Building</b>			
Restricted Funds	-0-	4,000,000	-0-
<b>106. Improve DLAR Facilities</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>107. Construct/Improve Office Building</b>			
Restricted Funds	-0-	55,000,000	-0-
<b>108. Improve Wildcat Coal Lodge</b>			
Other Funds	-0-	10,000,000	-0-
<b>109. Construct Facilities Shops &amp; Storage Facility</b>			
Restricted Funds	-0-	27,000,000	-0-
<b>110. Lease – Purchase Campus Infrastructure</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>111. Improve Academic Facility 1</b>			
Restricted Funds	-0-	16,000,000	-0-
<b>112. Lease – Purchase Campus IT Systems</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>113. Expand/Renovate/Improve LTS Facility</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>114. Improve Lancaster Aquatic Center 2</b>			
Other Funds	-0-	8,000,000	-0-
<b>115. Construct Childcare Center Facility</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>116. Improve Kroger Field Stadium</b>			
Other Funds	-0-	7,000,000	-0-



<b>117. Improve Carnahan House</b>			
Restricted Funds	-0-	8,000,000	-0-
<b>118. Lease – Purchase High Performance Computer</b>			
Restricted Funds	-0-	7,000,000	-0-
<b>119. Renovate/Improve Nursing Units – UK HealthCare</b>			
Restricted Funds	-0-	7,000,000	-0-
<b>120. Acquire/Improve Golf Facility</b>			
Other Funds	-0-	6,000,000	-0-
<b>121. Expand Kentucky Geological Survey Well Sample and Core Repository</b>			
Restricted Funds	-0-	6,000,000	-0-
<b>122. Improve Academic/Administrative Space 1</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>123. Improve Athletics Facility 3</b>			
Other Funds	-0-	6,000,000	-0-
<b>124. Improve Academic/Administrative Space 2</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>125. Improve Seaton Center</b>			
Restricted Funds	-0-	6,000,000	-0-
<b>126. Acquire Equipment/Furnishings Pool</b>			
Other Funds	-0-	5,000,000	-0-
<b>127. Improve Academic/Administrative Space 3</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>128. ADA Compliance Pool</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>129. Improve Academic/Administrative Space 4</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>130. Construct Hospice Facility – UK HealthCare</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>131. Construct/Improve Athletics Facility</b>			
Other Funds	-0-	5,000,000	-0-
<b>132. Construct/Improve Campus Recreation Field 1</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>133. Improve Student Center Space 3</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>134. Construct/Improve Campus Recreation Field 2</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>135. Construct/Improve Campus Recreation Field 3</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>136. Improve Patterson Hall</b>			

Restricted Funds	-0-	12,000,000	-0-
<b>137. Improve Athletics Facility 4</b>			
Other Funds	-0-	5,000,000	-0-
<b>138. Improve Athletics Facility 5</b>			
Other Funds	-0-	5,000,000	-0-
<b>139. Improve Baseball Facility Phase II</b>			
Other Funds	-0-	5,000,000	-0-
<b>140. Improve Campus Infrastructure</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>141. Improve Enterprise Networking 1</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>142. Improve Civil/Site Infrastructure</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>143. Improve Enterprise Networking 2</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>144. Improve Electrical Infrastructure</b>			
Restricted Funds	-0-	28,000,000	-0-
<b>145. Improve Joe Craft Center</b>			
Other Funds	-0-	5,000,000	-0-
<b>146. Improve Mechanical Infrastructure</b>			
Restricted Funds	-0-	26,000,000	-0-
<b>147. Improve Medical Plaza</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>148. Improve Building Mechanical Systems</b>			
Restricted Funds	-0-	35,000,000	-0-
<b>149. Improve Nutter Training Facility</b>			
Other Funds	-0-	5,000,000	-0-
<b>150. Improve Soccer/Softball Facility</b>			
Other Funds	-0-	5,000,000	-0-
<b>151. Improve Building Electrical Systems</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>152. Lease – Purchase Campus Call Center System</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>153. Acquire/Improve Elevator Systems</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>154. Lease – Purchase Network Security</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>155. Improve Building Shell Systems</b>			
Restricted Funds	-0-	40,000,000	-0-

<b>156. Renovate Space for a Testing Center</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>157. Expand/Improve Cooper House</b>			
Restricted Funds	-0-	4,000,000	-0-
<b>158. Improve Fume Hood Systems</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>159. Repair/Replace Campus Cable Infrastructure</b>			
Restricted Funds	-0-	4,000,000	-0-
<b>160. Acquire Transportation Buses Pool</b>			
Restricted Funds	-0-	3,000,000	-0-
<b>161. Construct Cross Country Trail</b>			
Other Funds	-0-	3,000,000	-0-
<b>162. Construct/Improve Athletics Playing Fields 1</b>			
Other Funds	-0-	3,000,000	-0-
<b>163. Construct/Improve Athletics Playing Fields 2</b>			
Other Funds	-0-	3,000,000	-0-
<b>164. Construct/Relocate Data Center</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>165. Lease – Purchase Voice Infrastructure</b>			
Restricted Funds	-0-	3,000,000	-0-
<b>166. Relocate/Replace Greenhouses</b>			
Restricted Funds	-0-	3,000,000	-0-
<b>167. Acquire Information Technology Systems</b>			
Other Funds	-0-	2,000,000	-0-
<b>168. Construct North Farm Agriculture Research Facility</b>			
Restricted Funds	-0-	2,000,000	-0-
<b>169. Improve Joe Craft Football Practice Facility</b>			
Other Funds	-0-	2,000,000	-0-
<b>170. Improve Nutter Field House</b>			
Other Funds	-0-	2,000,000	-0-
<b>171. Improve Senior Center</b>			
Restricted Funds	-0-	2,000,000	-0-
<b>172. Construct Data Center - UKHC</b>			
Restricted Funds	-0-	45,000,000	-0-
<b>173. Improve Sanders-Brown Center on Aging/Neuroscience Facilities</b>			
Completion			
Bond Funds	-0-	14,000,000	-0-
Other Funds	-0-	14,000,000	-0-
TOTAL	-0-	28,000,000	-0-

**(1) Authorization:** The above authorization is approved pursuant to KRS 45.763.

**174. Construct Police Headquarters**

Restricted Funds	-0-	27,000,000	-0-
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**175. Construct Indoor Track**

Restricted Funds	-0-	20,000,000	-0-
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**176. Upgrade/Expand Campus Security Platform**

Restricted Funds	-0-	10,000,000	-0-
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**177. Construct Beam Institute 1**

Restricted Funds	-0-	10,000,000	-0-
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**178. Construct Beam Institute 2**

Restricted Funds	-0-	10,000,000	-0-
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**179. Construct/Fit-Up Retail Space**

Other Funds	-0-	5,000,000	-0-
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**180. Construct Housing Reauthorization (\$50,000,000 Agency Bonds)**

**181. Renovate/Modernize Facilities Reauthorization (\$63,000,000 Agency Bonds)**

**182. Renovate/Improve Housing Reauthorization (\$50,000,000 Agency Bonds)**

**183. Lease – College of Medicine 1**

**184. Lease – College of Medicine 2**

**185. Lease – College of Medicine 3**

**186. Lease – College of Medicine 4**

**187. Lease – College of Medicine 5**

**188. Lease – Administrative Space**

**189. Lease – Good Samaritan – UK HealthCare**

**190. Lease – Off Campus Athletics 1**

**191. Lease – Off Campus Athletics 2**

**192. Lease – Off Campus Housing 1**

**193. Lease – Off Campus Housing 2**

**194. Lease – Off Campus 2**

**195. Lease – Grant Projects 1**

**196. Lease – Grant Projects 2**

**197. Lease – Grant Projects 3**

**198. Lease – Health Affairs Office 1**

**199. Lease – Health Affairs Office 2**

**200. Lease – Health Affairs Office 3**

**201. Lease – Health Affairs Office 4**

**202. Lease – Health Affairs Office 5**

**203. Lease – Health Affairs Office 6**

**204. Lease – Health Affairs Office 7**

**205. Lease – Health Affairs Office 8**

- 206. Lease – Health Affairs Office 9
- 207. Lease – Health Affairs Office 10
- 208. Lease – Health Affairs Office 11
- 209. Lease – Health Affairs Office 12
- 210. Lease – Health Affairs Office 13
- 211. Lease – Health Affairs Office 14
- 212. Lease – Health Affairs Office 15
- 213. Lease – Off Campus 1
- 214. Lease – Off Campus 2
- 215. Lease – Off Campus 3
- 216. Lease – Off Campus 4
- 217. Lease – Off Campus 5
- 218. Lease – Off Campus 6
- 219. Lease – Off Campus 7
- 220. Lease – Off Campus 8
- 221. Lease – Off Campus 9
- 222. Lease – Off Campus 10
- 223. Lease – Off Campus 11
- 224. Lease – Off Campus 12
- 225. Lease – Off Campus 13
- 226. Lease – UK HealthCare Grant Project 1
- 227. Lease – UK HealthCare Grant Project 2
- 228. Lease – UK HealthCare Off Campus Facility 1
- 229. Lease – UK HealthCare Off Campus Facility 2
- 230. Lease – UK HealthCare Off Campus Facility 3
- 231. Lease – UK HealthCare Off Campus Facility 4
- 232. Lease – UK HealthCare Off Campus Facility 5
- 233. Lease – UK HealthCare Off Campus Facility 6
- 234. Lease – UK HealthCare Off Campus Facility 7
- 235. Lease – UK HealthCare Off Campus Facility 8
- 236. Lease – UK HealthCare Off Campus Facility 9
- 237. Lease – UK HealthCare Off Campus Facility 10
- 238. Lease – UK HealthCare Off Campus Facility 11
- 239. Lease – UK HealthCare Off Campus Facility 12
- 240. Guaranteed Energy Savings Performance Contracts – UK HealthCare
- 241. Guaranteed Energy Savings Performance Contracts

**9. UNIVERSITY OF LOUISVILLE**

- 001. Construct College of Business

Agency Bonds

-0-

40,000,000

-0-

## ACTS OF THE GENERAL ASSEMBLY

Other Funds	-0-	80,000,000	-0-
<b>TOTAL</b>	<b>-0-</b>	<b>120,000,000</b>	<b>-0-</b>
<b>002. Construct Athletics Village</b>			
Other Funds	-0-	90,000,000	-0-
<b>003. Purchase Housing Facilities</b>			
Restricted Funds	-0-	75,000,000	-0-
<b>004. Renovate Vivarium Facilities</b>			
Restricted Funds	-0-	75,000,000	-0-
<b>005. Renovate Ekstrom Library</b>			
Restricted Funds	-0-	57,200,000	-0-
<b>006. Public/Private Partnership Residence Hall</b>			
Other Funds	-0-	51,000,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>007. Renovation and Adaptation Projects for Various Buildings</b>			
Restricted Funds	-0-	50,000,000	-0-
<b>008. Renovate School of Medicine Building 55A</b>			
Restricted Funds	-0-	42,000,000	-0-
<b>009. Acquisition of Dormitories</b>			
Restricted Funds	-0-	41,150,000	-0-
<b>010. Construct New Natatorium</b>			
Other Funds	-0-	25,000,000	-0-
<b>011. Replace HVAC Various Buildings</b>			
Restricted Funds	-0-	25,000,000	-0-
<b>012. Construct/Upgrade Utility Infrastructure</b>			
Restricted Funds	-0-	21,975,000	-0-
<b>013. Purchase Next Generation/ERP Support System</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>014. Renovate Health Sciences Center Instructional and Student Services Space</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>015. Vivarium Equipment Pool – 2020-2022</b>			
Restricted Funds	-0-	20,000,000	-0-
<b>016. Public/Private Partnership Dormitory Students and Athletes</b>			
Other Funds	-0-	17,202,000	-0-
<b>(1) Authorization:</b> The above authorization is approved pursuant to KRS 45.763.			
<b>017. Construct Indoor Facility</b>			
Other Funds	-0-	15,000,000	-0-
<b>018. Purchase Land</b>			
Restricted Funds	-0-	15,000,000	-0-
<b>019. Exterior Envelope Replacement School of Medicine Building 55A</b>			

Restricted Funds	-0-	15,000,000	-0-
<b>020. Renovate School of Nursing Building</b>			
Restricted Funds	-0-	11,380,000	-0-
<b>021. Regional Biocontainment Laboratory Pressurization Upgrade</b>			
Restricted Funds	-0-	10,868,800	-0-
<b>022. Basketball/Lacrosse Practice Facility Expansion</b>			
Other Funds	-0-	19,000,000	-0-
<b>023. Improve Housing Facilities Pool – 2020-2022</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>024. Renovate Cardinal Football Stadium</b>			
Other Funds	-0-	10,000,000	-0-
<b>025. Expand Jim Patterson Stadium and Construct Indoor Facility</b>			
Other Funds	-0-	16,000,000	-0-
<b>026. Expand Ulmer Softball Stadium</b>			
Other Funds	-0-	8,000,000	-0-
<b>027. Purchase Networking System</b>			
Restricted Funds	-0-	8,000,000	-0-
<b>028. Capital Renewal for Athletic Venues – 2020-2022</b>			
Other Funds	-0-	7,500,000	-0-
<b>029. Construct Athletics Office Building</b>			
Other Funds	-0-	7,500,000	-0-
<b>030. Purchase Research Computing Infrastructure</b>			
Restricted Funds	-0-	7,000,000	-0-
<b>031. Replace Seats in Athletic Venues</b>			
Other Funds	-0-	7,000,000	-0-
<b>032. Law School HVAC</b>			
Restricted Funds	-0-	6,715,000	-0-
<b>033. Cardinal Stadium WiFi</b>			
Other Funds	-0-	6,000,000	-0-
<b>034. College of Education HVAC Upgrade</b>			
Restricted Funds	-0-	5,456,000	-0-
<b>035. Expand Marshall Center Complex</b>			
Other Funds	-0-	5,000,000	-0-
<b>036. Renovate Office Building</b>			
Restricted Funds	-0-	4,350,000	-0-
<b>037. Construct Practice Bubble</b>			
Other Funds	-0-	4,000,000	-0-
<b>038. Purchase Content Management System</b>			
Restricted Funds	-0-	4,000,000	-0-

<b>039. Renovate Parking Structures</b>			
Restricted Funds	-0-	3,600,000	-0-
<b>040. Purchase Fiber Instructure</b>			
Restricted Funds	-0-	3,500,000	-0-
<b>041. Belknap Brandeis Corridor Improvements</b>			
Restricted Funds	-0-	3,100,000	-0-
<b>042. Renovate Bass Rudd Tennis Center</b>			
Other Funds	-0-	3,000,000	-0-
<b>043. Renovate Cardinal Park</b>			
Other Funds	-0-	8,000,000	-0-
<b>044. Resurface and Repair Parking Lot</b>			
Restricted Funds	-0-	2,500,000	-0-
<b>045. Belknap 3rd Street Improvements</b>			
Restricted Funds	-0-	2,180,000	-0-
<b>046. Athletics Enhancements in New Dormitory</b>			
Other Funds	-0-	2,000,000	-0-
<b>047. Demolish and Construct Golf Maintenance/Chemical Building</b>			
Other Funds	-0-	2,000,000	-0-
<b>048. Football Practice Field Lighting</b>			
Other Funds	-0-	2,000,000	-0-
<b>049. Purchase Identity Management</b>			
Restricted Funds	-0-	2,000,000	-0-
<b>050. Renovate Garvin Brown Boathouse</b>			
Other Funds	-0-	2,000,000	-0-
<b>051. Cardinal Stadium Club Upgrades</b>			
Other Funds	-0-	2,000,000	-0-
<b>052. Replace Electronic Video Boards</b>			
Other Funds	-0-	2,000,000	-0-
<b>053. Construct Athletic Grounds Building</b>			
Other Funds	-0-	1,550,000	-0-
<b>054. Renovate Ville Grill</b>			
Restricted Funds	-0-	2,100,000	-0-
<b>055. Replace Artificial Turf Field III</b>			
Other Funds	-0-	1,250,000	-0-
<b>056. Replace Artificial Turf Field IV</b>			
Other Funds	-0-	1,250,000	-0-
<b>057. Renovate Dental School Administrative Space</b>			
Restricted Funds	-0-	1,000,000	-0-
<b>058. Renovate Marshall Center</b>			



Other Funds	-0-	1,000,000	-0-
<b>059. Renovate Golf Club Shelby County</b>			
Other Funds	-0-	1,000,000	-0-
<b>060. Renovate Lynn Soccer Stadium</b>			
Other Funds	-0-	1,000,000	-0-
<b>061. Renovate Thornton's Academic Center</b>			
Other Funds	-0-	1,000,000	-0-
<b>062. Renovate Trager Football Practice Facility</b>			
Other Funds	-0-	1,000,000	-0-
<b>063. Renovate Patterson Baseball Stadium</b>			
Other Funds	-0-	1,000,000	-0-

**064. Demolish and Construct Residence Halls Reauthorization and Reallocation (\$90,000,000 Agency Bonds)**

**(1) Reauthorization and Reallocation:** The above project is authorized from a reallocation of the projects set forth in 2018 Ky. Acts ch. 169, Part II, J., 075. and 077..

- 065. Academic Space 1 – Lease**
- 066. Academic Space 2 – Lease**
- 067. Housing 1 – Lease**
- 068. Housing 2 – Lease**
- 069. Housing 3 – Lease**
- 070. Housing 4 – Lease**
- 071. Jefferson County – Clinic Space 1 – Lease**
- 072. Jefferson County – Clinic Space 2 – Lease**
- 073. Jefferson County – Clinic Space 3 – Lease**
- 074. Jefferson County – Clinic Space – State of Kentucky – Lease**
- 075. Jefferson County – Office Space 1 – Lease**
- 076. Jefferson County – Office Space 2 – Lease**
- 077. Jefferson County – Office Space 3 – Lease**
- 078. Jefferson County – Office Space 4 – Lease**
- 079. Nucleus 1 Building – Lease**
- 080. Nucleus 1 Building 2 – Lease**
- 081. Medical Center One – Lease**
- 082. Medical Center One 2 – Lease**
- 083. University Pointe and Cardinal Towne – Lease**
- 084. Trager Institute – Lease**
- 085. Arthur Street – Lease**
- 086. Housing Facilities – Lease**
- 087. Support Space 1 – Lease**
- 088. Athletic/Student Dormitory – Lease**
- 089. Guaranteed Energy Savings Performance Contracts**

**10. WESTERN KENTUCKY UNIVERSITY****001. Renovate and Expand Innovation Campus**

Other Funds	-0-	80,000,000	-0-
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**002. Construct Parking Structure IV**

Agency Bonds	-0-	25,000,000	-0-
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**003. Renovate Grise Hall**

Restricted Funds	-0-	32,200,000	-0-
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**004. Renovate and Expand Clinical Education Complex**

Other Funds	-0-	8,000,000	-0-
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**005. Demolish Tate Page Hall/Improve Site**

Restricted Funds	-0-	6,000,000	-0-
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**006. Renovate Center for Research and Development Phase 1**

Restricted Funds	-0-	6,000,000	-0-
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**007. Replace Underground Infrastructure**

Restricted Funds	-0-	25,000,000	-0-
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**008. Renovate South Campus**

Restricted Funds	-0-	5,000,000	-0-
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**009. Demolish Garrett Conference Center/Improve Site**

Restricted Funds	-0-	7,000,000	-0-
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**010. Construct South Plaza**

Other Funds	-0-	3,600,000	-0-
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**011. Renovate Raymond Cravens Library**

Restricted Funds	-0-	40,300,000	-0-
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**012. Acquire Fixtures, Furnishings, and Equipment Pool – 2020-2022**

Restricted Funds	-0-	3,000,000	-0-
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**013. Renovate Ogden College of Science & Engineering Facility**

Restricted Funds	-0-	75,800,000	-0-
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**014. Renovate Potter College Arts & Letters Facilities**

Restricted Funds	-0-	96,400,000	-0-
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**015. Renovate Academic Complex**

Restricted Funds	-0-	27,500,000	-0-
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**016. Demolish Foundation Building/Improve Site**

Other Funds	-0-	3,000,000	-0-
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**017. Purchase Property for Campus Expansion 2020-2022**

Restricted Funds	-0-	3,000,000	-0-
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**018. Improve Life Safety Pool/Academic Buildings**

Restricted Funds	-0-	27,500,000	-0-
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**019. Purchase Property/Parking and Street Improvements 2020-2022**

Restricted Funds	-0-	3,000,000	-0-
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<b>020. Repair/Replace Roof at Center for Research and Development</b>			
Restricted Funds	-0-	5,100,000	-0-
<b>021. Renovate Police Department</b>			
Restricted Funds	-0-	2,000,000	-0-
<b>022. Remove and Replace Student Housing at Farm</b>			
Other Funds	-0-	1,500,000	-0-
<b>023. Renovate Kentucky Building</b>			
Restricted Funds	-0-	17,500,000	-0-
<b>024. Renovate State and Normal Street Properties</b>			
Restricted Funds	-0-	1,500,000	-0-
<b>025. Renovate Tate Page Hall</b>			
Restricted Funds	-0-	1,200,000	-0-
<b>026. Alumni Center – Lease</b>			
<b>027. Renovate Central Heat Plant</b>			
Restricted Funds	-0-	5,100,000	-0-
<b>028. Nursing and Physical Therapy – Lease</b>			
<b>029. Renovate Jones Jagers Interior</b>			
Restricted Funds	-0-	1,000,000	-0-
<b>030. Parking Garage – Lease</b>			
<b>031. Guaranteed Energy Savings Performance Contracts</b>			
<b>032. Construct, Renovate and Improve Athletic Facilities</b>			
Agency Bonds	-0-	50,000,000	-0-
<b>033. Capital Renewal Pool – 2020-2022</b>			
Restricted Funds	-0-	10,000,000	-0-
<b>034. Renovate Health Sciences Complex Classroom</b>			
Restricted Funds	-0-	1,500,000	-0-
<b>11. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM</b>			
<b>001. Renovate Instructional Space – Gateway CTC</b>			
Restricted Funds	-0-	7,000,000	-0-
<b>002. Construct Fire Commission NRPC Classroom Building</b>			
Restricted Funds	-0-	5,200,000	-0-
<b>003. Acquire and Improve Parking Lots – Jefferson CTC</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>004. Construct/Procure Transportation Center – Elizabethtown CTC</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>005. KCTCS Equipment Pool – 2020-2022</b>			
Restricted Funds	-0-	5,000,000	-0-
<b>006. KCTCS Property Acquisition Pool – 2020-2022</b>			
Restricted Funds	-0-	5,000,000	-0-

**007. Renovate Newtown Campus North Buildings – Bluegrass CTC**

Restricted Funds	-0-	4,900,000	-0-
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**008. Renovate Advanced Manufacturing and Construction Center – Hazard CTC**

Restricted Funds	-0-	1,000,000	-0-
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Federal Funds	-0-	3,900,000	-0-
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TOTAL	-0-	4,900,000	-0-
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**009. Renovate Industrial Education Building – Hazard CTC**

Federal Funds	-0-	2,500,000	-0-
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**010. Renovate Parking Lot and Sidewalks – West Ky CTC**

Restricted Funds	-0-	2,100,000	-0-
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**011. Upgrade IT Infrastructure – Gateway CTC**

Restricted Funds	-0-	1,500,000	-0-
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**012. Construct Fire Commission Five Story Training Drill Tower**

Restricted Funds	-0-	1,200,000	-0-
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**013. Renovate Dental Hygiene Clinic – Big Sandy CTC – Mayo Campus Reauthorization (\$3,000,000 Restricted Funds)****014. Upgrade Welding Shop – Big Sandy CTC – Mayo Campus Reauthorization (\$1,500,000 Restricted Funds)****015. Jefferson CTC – Bullitt County Campus – Lease****016. Jefferson CTC – Jefferson Education Center – Lease****017. KCTCS System Office – Lease****018. Maysville CTC – Rowan Campus – Lease****019. Elizabethtown CTC – Hardin County – Lease****020. Guaranteed Energy Savings Performance Contracts****J. TOURISM, ARTS AND HERITAGE CABINET**

Budget Units	2019-20	2020-21	2021-22
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**1. PARKS****001. Maintenance Pool – 2020-2022**

Bond Funds	-0-	5,000,000	-0-
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**002. Wastewater Treatment Upgrades Pool – 2020-2022**

Bond Funds	-0-	5,000,000	-0-
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**2. HORSE PARK COMMISSION****001. Maintenance Pool – 2020-2022**

Investment Income	-0-	900,000	-0-
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**3. STATE FAIR BOARD****001. Prestonia Grounds and Infrastructure Improvements**

Bond Funds	3,000,000	1,000,000	-0-
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**002. Maintenance Pool – 2020-2022**

Bond Funds	-0-	1,500,000	-0-
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**4. FISH AND WILDLIFE RESOURCES**

**001. Fees-in-Lieu-of Stream Mitigation Projects Pool Reauthorization (\$40,000,000 Restricted Funds)****5. HERITAGE COUNCIL****001. Records Digitization Reauthorization and Reallocation (\$1,000,000 Bond Funds)**

**(1) Reauthorization and Reallocation:** The above project is authorized from a reallocation of the project set forth in 2014 Ky. Acts ch. 117 Part II, L., 5, 001..

**6. KENTUCKY CENTER FOR THE ARTS****001. Maintenance Pool – 2020-2022**

Investment Income	-0-	240,000	-0-
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**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 fund 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 Federal Funds Receipts:** If receipts received or credited to the Federal Funds accounts of a budget unit during fiscal year 2020-2021, and any balance forwarded to the credit of these same accounts from the previous fiscal year, exceed the appropriation made by a 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.

Any request made by a budget unit pursuant to KRS 48.630 that relates to 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 Federal Funds records contained in the fiscal biennium 2020-2022 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.

Notwithstanding KRS 48.630, no unbudgeted Restricted Funds shall be allotted or expended without the express authority of the General Assembly, with the exceptions of the Public Service Commission and institutions of higher education.

**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 and Part III, 2. of this Act. 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. 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.

**6. 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.

**7. 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.

**8. Lapse of General Fund or Road Fund Excess Debt Service Appropriations:** Pursuant to KRS 48.720, any excess General Fund or Road Fund debt service shall lapse to the respective surplus account unless otherwise directed in this Act.

**9. 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.

**10. Interpretation of Appropriations:** Notwithstanding KRS 48.500, all questions that arise in interpreting this Act and the Transportation Cabinet budget shall be decided by the Attorney General, and the decision of the Attorney General shall be final and conclusive.

**11. 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 2020 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 2020 Regular Session, as well as other Acts which contain appropriation provisions for the 2020-2022 fiscal biennium, and based upon supporting documentation and legislative records as considered by the 2020 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 to 48.810, and upon review and approval by the Interim Joint Committee on Appropriations and Revenue.

**12. State Financial Condition:** Pursuant to KRS 48.400, the State Budget Director shall monitor and report on the financial condition of the Commonwealth.

**13. 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.

**14. 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 2020 Regular Session of the General Assembly.

**15. Budget Planning Report:** By August 15, 2021, 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.

**16. Tax Expenditure Revenue Loss Estimates:** By October 15, 2021, 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 resulting from 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.

**17. 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 2020 Regular Session which constitutes a duplicate appropriation shall be governed by KRS 48.312.

**18. 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.

**19. 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.

**20. Unclaimed Lottery Prize Money:** For fiscal year 2020-2021, 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.

**21. Workers' Compensation:** 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 2020-2021 for the Workers' Compensation Benefits and Reserve Program administered by the Cabinet.

**22. Carry Forward and Undesignated General Fund and Road Fund Carry Forward:** Notwithstanding KRS 48.700 and 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 2019-2020 and fiscal year 2020-2021, 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 2019-2020 and fiscal year 2020-2021 General Fund and Road Fund balances that are designated and carried forward for budgeted purposes in the 2020-2022 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.

**23. Reallocation of Appropriations Among Budget Units:** Notwithstanding any statute to the contrary, or provisions 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 up to ten percent of General Fund appropriations contained in Part I, Operating Budget, of this Act for fiscal years 2019-2020 and 2020-2021 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.

**24. Local School District Expenditure Flexibility:** Notwithstanding KRS 160.470(6) or any statute to the contrary, during fiscal year 2020-2021, local school districts may adopt and the Kentucky Board of Education may approve a working budget that includes a minimum reserve of less than two percent of the total budget. The Kentucky Department of Education shall monitor the financial position of any district that receives approval for a working budget with a reserve of less than two percent and shall provide a financial report for those districts at each meeting of the Kentucky Board of Education.

**25. 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 to 48.810. Compliance with the provisions of this section shall be reviewed and determined by the Interim Joint Committee on Appropriations and Revenue.

**26. 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.

**27. 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.

**28. 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 56.772, 56.782, and 56.784 in maximizing the use of energy efficiency measures.

**29. 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 2020-2022 fiscal biennium.

**30. Effects of Subsequent Legislation:** If any measure enacted during the 2020 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 2020 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.

**31. 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.

**32. Approval of State Aircraft Travel:** Notwithstanding KRS 44.060, 45.101, 174.508, and any other statute or administrative regulation to the contrary, the use of state aircraft by any secretary of any Executive Branch cabinet for out-of-state travel shall be approved by the State Treasurer. The State Treasurer shall only approve requests which document that the use of state aircraft is the lowest cost option as measured by both travel costs and travel time. The State Treasurer shall not designate approval authority for out-of-state travel on state aircraft by



Executive Branch cabinet secretaries to any other person. Any requests and documentation regarding the use of state aircraft collected by the State Treasurer shall be subject to the Kentucky Open Records Act, KRS 61.872 to 61.884.

**33. Jailer Canteen Accounts:** Notwithstanding KRS 67.0802(6)(a), any compensation resulting from the disposal of real or personal property that was purchased from a canteen account under KRS 441.135 shall be returned to the canteen account from which the real or personal property was originally purchased. All proceeds resulting from the disposal of real or personal property purchased from a canteen account shall be reported to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year.

**34. Employee Layoffs, Furloughs, and Reduced Hours:** Notwithstanding any statute to the contrary, the following process and procedure is established for July 1, 2020, through June 30, 2021, in the event that the Commonwealth or any agency determines that it is desirable for the Executive Branch to layoff, furlough, or reduce hours of employees:

(1) For the purposes of this section:

(a) "Appointing authority" means the agency head or any person whom he or she has authorized by law to designate to act on behalf of the agency with respect to employee appointments, position establishments, payroll documents, register requests, waiver requests, requests for certification, or other position actions;

(b) "Secretary" means the Secretary of the Personnel Cabinet as provided for in KRS 18A.015;

(c) "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period;

(d) "Layoff" means discharge of employment subject to the rights contained in this section; and

(e) "Employees" includes all persons employed by the Executive Branch, including but not limited to employees of KRS Chapter 18A, KRS Chapter 16, KRS Chapter 156, the Kentucky Teachers' Retirement System, the Kentucky Higher Education Student Loan Corporation, the Kentucky Housing Corporation, and the Kentucky Lottery Corporation;

(2) An appointing authority has the authority to layoff or furlough employees or reduce hours of employment for any of the following reasons:

(a) Lack of funds or budgetary constraints;

(b) A reduction in the agency's spending authorization;

(c) Lack of work;

(d) Abolishment of a position; or

(e) Other material change in duties or organization;

(3) The appointing authority shall determine the job classifications affected and the number of employees laid-off in each classification and each county to which a layoff applies. In the same department or office, county, and job classification, interim and probationary employees shall be laid-off before any full-time or part-time employees with status are laid-off. For purposes of layoff, "probationary employee" does not include an employee with status serving a promotional probation;

(4) The Secretary shall approve all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until such approval has been granted. The appointing authority with the approval of the Secretary has the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section;

(5) In determining the employees to be laid-off, the appointing authority shall consider all employees under the same appointing authority, within the job classification affected, and within the county affected. Consideration shall be given to the following relevant factors:

(a) Job performance evaluations;

(b) Seniority;

(c) Education, training, and experience; and

(d) Disciplinary record;

(6) Any employee whose position is subject to layoff, furlough, or reduction of hours shall be provided written notice containing the reason for the action as set forth in subsection (2) of this section at least 15 days in advance of the effective date of the action;

(7) Any employee with status who is laid-off shall be eligible to apply as a reemployment applicant for positions with the same job classification from which he or she was laid-off, in the cabinet from which he or she was laid-off. For a period of two years, a reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same register. A reemployment applicant shall not be removed from any register except as provided by KRS 18A.032. When a reemployment applicant is removed from a register, he or she shall be notified in writing. A reemployment applicant who accepts any classified position, or who retires through the Kentucky Retirement Systems or Kentucky Teachers' Retirement System, shall cease to have eligibility rights as a reemployment applicant;

(8) With the approval of the Secretary, the Personnel Cabinet may place employees subject to a reduction in force;

(9) Furloughs or reduction of hours during a pay period shall not result in the loss of eligibility for any benefit otherwise due the employee;

(10) The Secretary shall have the authority to promulgate comprehensive administrative regulations governing this section; and

(11) A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be considered a penalization of the employee for the purposes of KRS Chapters 16, 18A, and 156, and shall be appealable to the State Personnel Board, the Kentucky Technical Education Personnel Board, the Department of Kentucky State Police Personnel Board, or other applicable administrative body.

**35. COVID-19 Federal Funds:** No Federal Funds received from the Coronavirus, Aid, Relief and Economic Security (CARES) Act or any other Federal Funds related to the COVID-19 emergency response shall be used to establish any new programs unless those new programs can be fully supported from existing appropriation amounts once all of the Federal Funds have been expended. No new positions shall be established unless those new positions are established as federally funded time-limited positions. The Office of State Budget Director shall submit a report to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year on the expenditure of all Federal Funds and associated matching funds related to the COVID-19 emergency response.

#### PART IV

##### STATE SALARY/COMPENSATION, BENEFIT, AND EMPLOYMENT POLICY

**1. Authorized Personnel Complement:** On July 1, 2020, and July 1, 2021, 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 of the State Budget Director, 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 Legislative Research Commission on a monthly basis.

**2. Salary Increment:** Notwithstanding KRS 18A.355 and 156.808(6)(e) and (12), no increment is provided in fiscal year 2020-2021 on the base salary or wages of each eligible state employee on their anniversary date.

**3. 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.

**4. 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.

**5. Employer Retirement Contribution Rates:** Notwithstanding KRS 61.565 and 61.702, the employer contribution rates for Kentucky Employees Retirement System from July 1, 2020, through June 30, 2021, and except as otherwise provided in this Act, shall be 84.43 percent, consisting of 73.28 percent for pension and 11.15 percent for health insurance for nonhazardous duty employees and 36.00 percent, consisting of 36.00 percent for pension for hazardous duty employees; for the same period the employer contribution for employees of the State Police

Retirement System shall be 143.48 percent, consisting of 123.79 percent for pension and 19.69 percent for health insurance. Notwithstanding any other provision of this Act or KRS 61.565 or 61.702 to the contrary, the employer contribution rate from July 1, 2020, through June 30, 2021, shall be 49.47 percent, consisting of 41.06 percent for pension and 8.41 percent for health insurance for nonhazardous duty employees participating in the Kentucky Employees Retirement System who are employed by Mental Health/Mental Retardation Boards, Local and District Health Departments, domestic violence shelters, rape crisis centers, child advocacy centers, state-supported universities and community colleges, and any other agency eligible to voluntarily cease participating in the Kentucky Employees Retirement System pursuant to KRS 61.522. 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.

**6. 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, 2020, June 30, 2021, and June 30, 2022, shall not be issued prior to July 1, 2020, July 1, 2021, and July 1, 2022, respectively.

**7. 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.

**8. State Group Health Insurance Plan - Transfer Between Plan Years:** Notwithstanding KRS 18A.2254, the Secretary of the Finance and Administration Cabinet and the Secretary of the Personnel Cabinet are authorized to use the excess funds from Plan Year 2016, Plan Year 2017, Plan Year 2018, Plan Year 2019, and Plan Year 2020 or any combination thereof to satisfy claims or expenses in Plan Year 2021 and Plan Year 2022.

**9. Full-Time Work Schedules:** It is the intent of the 2020 General Assembly that, in effort to attract, develop, motivate, and retain a talented, diverse workforce, while achieving government efficiency and quality services to the public, any full-time Executive Branch employees who currently work 37.5 hour work weeks shall be required to work 40 hours per week in the 2022-2024 fiscal biennium.

## 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 2020-2021:

	2020-21	2021-22
<b>A. GENERAL GOVERNMENT</b>		
<b>1. Department for Local Government</b>		
Local Government Economic		
Development Fund Investment Pool	1,500,000	-0-
(KRS 42.4582 and 42.4592)		
<b>2. Department for Local Government</b>		
Agency Revenue Fund	1,000,000	-0-
(KRS 65A.020(5))		
<b>3. Secretary of State</b>		
Agency Revenue Fund	2,000,000	-0-
<b>4. Attorney General</b>		
Agency Revenue Fund	500,000	-0-
(KRS 48.005(4))		

**5. School Facilities Construction Commission**

Agency Revenue Fund	2,900,000	-0-
(KRS 157.618)		

**B. DEPARTMENT OF EDUCATION****1. Operations and Support Services**

Agency Revenue Fund	200,000	-0-
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**C. ENERGY AND ENVIRONMENT CABINET****1. Secretary**

Kentucky Pride Trust Fund	2,006,300	-0-
(KRS 224.43-505(2)(a)3.)		

Notwithstanding 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..

**2. Environmental Protection**

Waste Tire Trust Fund	1,500,000	-0-
(KRS 224.50-880)		

**3. Environmental Protection**

Insurance Administration Fund	30,000,000	-0-
(KRS 224.60-130, 224.60-140, 224.60-145, and 224.60-150)		

**4. Public Service Commission**

Agency Revenue Fund	200,000	-0-
(KRS 278.5499)		

**D. FINANCE AND ADMINISTRATION CABINET****1. General Administration**

Agency Revenue Fund	250,000	-0-
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**2. General Administration**

Other Expendable Trust Fund	4,900,000	-0-
(KRS 42.205)		

**3. Controller**

Agency Revenue Fund	2,000,000	-0-
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**4. Controller**

Tobacco Fund Interest	1,663,700	-0-
(KRS 194A.055, 200.151, 248.654, and 248.655)		

**5. Facilities and Support Services**

Agency Revenue Fund	700,000	-0-
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**6. Facilities and Support Services**

Capital Construction Investment		
Income Account	15,000,000	-0-

**7. Commonwealth Office of Technology**

Computer Services Fund	14,044,400	-0-
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(KRS 45.253)

**E. HEALTH AND FAMILY SERVICES CABINET****1. General Administration and Program Support**

Malt Beverage Education Fund	500,000	-0-
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**2. Public Health**

Agency Revenue Fund	4,000,000	-0-
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**F. PERSONNEL CABINET****1. General Operations**

Agency Revenue Fund	2,690,700	-0-
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These funds transfers to the General Fund support General Fund debt service on bonds for the new Personnel/Payroll system.

**2. Workers' Compensation Benefits and Reserve**

State Employees Workers'

Compensation Reserve	2,500,000	-0-
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(KRS 18A.375(3))

**G. POSTSECONDARY EDUCATION****1. Kentucky Higher Education Assistance Authority**

Other Special Revenue	1,000,000	-0-
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(KRS 164.7891(11))

**H. PUBLIC PROTECTION CABINET****1. Alcoholic Beverage Control**

Agency Revenue Fund	2,400,000	-0-
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(KRS 243.025(3))

**2. Financial Institutions**

Agency Revenue Fund	4,000,000	-0-
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(KRS 286.1-485)

**3. Housing, Buildings and Construction**

Agency Revenue Fund	600,000	-0-
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(KRS 198B.090(10), 198B.095(4), and 198B.4037)

**4. Insurance**

Agency Revenue Fund	31,000,000	-0-
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(KRS 304.2-300 and 304.2-400)

**I. TOURISM, ARTS AND HERITAGE CABINET****1. Secretary**

Agency Revenue Fund	1,000,000	-0-
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(KRS 142.406(2) and (3))

TOTAL - FUNDS TRANSFER	130,055,100	-0-
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**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 \$11,448,237,100 in fiscal year 2019-2020 and \$11,592,051,800 in fiscal year 2020-2021, as 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 Secretary of State, the Attorney General, the Treasurer, the Commissioner of Agriculture, the Auditor of Public Accounts, 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.

Pursuant to KRS 48.130(4), in the event of a revenue shortfall of five percent or less, the following General Fund budget reduction actions shall be implemented:

(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; and

(c) The Kentucky Permanent Pension Fund;

(3) Unexpended debt service;

(4) Any unanticipated Phase I Master Settlement Agreement revenues in both fiscal years shall be appropriated according to Part X of this Act and shall not be transferred to the General Fund;

(5) Use of the unappropriated balance of the General Fund surplus shall be applied;

(6) 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;

(7) Contributions appropriated to pensions in excess of statutory requirements;

(8) Contributions appropriated to pension insurance in excess of actuarially required contributions;

(9) 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;

(10) Notwithstanding subsection (9) of this Part, no reductions shall be made to the Secretary of State, the Attorney General, the Treasurer, the Commissioner of Agriculture, or the Auditor of Public Accounts, 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, and shall not exceed the actual percentage of revenue shortfall;

(11) 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;

(12) Funds available in the Budget Reserve Trust Fund shall be applied in an amount not to exceed 50 percent of the Trust Fund balance in fiscal year 2019-2020 and 25 percent in fiscal year 2020-2021; and

(13) Pursuant to KRS 48.130 and 48.600, if the actions contained in subsections (1) to (12) 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 year 2020-2021. 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 22. of this Act are appropriated to the following:

For the surplus moneys from fiscal year 2019-2020:

(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; and

(b) The remaining amount to the Budget Reserve Trust Fund; and

(2) The Secretary of the Finance and Administration Cabinet shall determine, within 30 days after the close of fiscal year 2019-2020, 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 in fiscal year 2020-2021. The Secretary of the Finance and Administration Cabinet shall certify the amount of actual General Fund undesignated fund balance available for expenditure to the Legislative Research Commission.

## **PART VIII**

### **ROAD FUND BUDGET REDUCTION PLAN**

There is established a Road Fund Budget Reduction Plan for fiscal year 2019-2020 and fiscal year 2020-2021. 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 \$1,551,800,000 in fiscal year 2019-2020 and \$1,543,400,000 in fiscal year 2020-2021, as 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 to the State Construction Account within the Highways budget unit and utilized to support projects in the 2020-2022 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 on 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 2019-2020 is \$110,900,000 and in fiscal year 2020-2021 is \$106,300,000. It is recognized that 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, the Attorney General, and the Department of Revenue, 50 percent to the Agricultural Development Fund, 30 percent to the Early Childhood Development Fund, and 20 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, the Attorney General, and the Department of Revenue, 50 percent to the Agricultural Development Fund, 30 percent to the Early Childhood Development Fund, and 20 percent to the Health Care Improvement Fund.

a. **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$150,000 of the MSA payments received in fiscal year 2020-2021 is appropriated to the Attorney General for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

b. **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$250,000 of the MSA payments received in fiscal year 2020-2021 is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

c. **Debt Service:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$30,863,200 in MSA payments in fiscal year 2020-2021 is appropriated to the Finance and Administration Cabinet, Debt Service budget unit.

d. **Agricultural Development Initiatives:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$38,481,600 in MSA payments in fiscal year 2020-2021 is appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives as specified in this Part.

e. **Early Childhood Development Initiatives:** Notwithstanding KRS 248.654, a total of \$25,439,100 in MSA payments in fiscal year 2020-2021 is appropriated to the Early Childhood Development Initiatives as specified in this Part.

f. **Health Care Initiatives:** Notwithstanding KRS 164.476, 248.654, and 304.17B-003(5), a total of \$13,042,700 in MSA payments in fiscal year 2020-2021 is appropriated to the Health Care Improvement Fund for health care initiatives as specified in this Part.

#### A. STATE ENFORCEMENT

##### GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for state enforcement shall be as follows:

#### 1. GENERAL GOVERNMENT

Budget Unit	2020-21	2021-22
a. Attorney General	150,000	-0-

#### 2. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2020-21	2021-22
a. Revenue	250,000	-0-

#### 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



<b>Budget Unit</b>	<b>2020-21</b>	<b>2021-22</b>
a. Debt Service	30,863,200	-0-

(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, \$1,926,600 in fiscal year 2020-2021 shall lapse.

(3) **Appropriation of Unexpended Tobacco Debt Service:** Any unexpended balance from the fiscal year 2019-2020 or fiscal year 2020-2021 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**

<b>Budget Unit</b>	<b>2020-21</b>	<b>2021-22</b>
a. Governor's Office of Agricultural Policy	34,594,800	-0-

(1) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(2) **Counties Account:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$14,279,200 in fiscal year 2020-2021 for the counties account as specified in KRS 248.703(1)(a).

(3) **Directive for Fiscal Year 2018-2019 and Fiscal Year 2019-2020 General Fund (Tobacco) Appropriations:** Any remaining uncommitted or unobligated funds from the \$13,000,000 General Fund (Tobacco) appropriated in the 2018-2020 fiscal biennium to the Governor's Office of Agricultural Policy for use by the State Fair Board shall not be approved by the Agricultural Development Board for any other project until appropriated by the General Assembly.

#### **2. DEPARTMENT OF AGRICULTURE**

<b>Budget Unit</b>	<b>2020-21</b>	<b>2021-22</b>
a. Agriculture	500,000	-0-

(1) **Farms to Food Banks:** Included in the above General Fund (Tobacco) appropriation is \$500,000 in fiscal year 2020-2021 to support the Farms to Food Banks Program. The use of the moneys provided by this appropriation shall be restricted to purchases of Kentucky-grown produce from Kentucky farmers who participate in the Farms to Food Banks Program.

#### **3. ENERGY AND ENVIRONMENT CABINET**

<b>Budget Unit</b>	<b>2020-21</b>	<b>2021-22</b>
a. Natural Resources	3,386,800	-0-

(1) **Environmental Stewardship Program:** Included in the above General Fund (Tobacco) appropriation is \$2,479,500 in fiscal year 2020-2021 for the Environmental Stewardship Program.

(2) **Conservation District Local Aid:** Included in the above General Fund (Tobacco) appropriation is \$907,300 in fiscal year 2020-2021 for the Division of Conservation to provide direct aid to local conservation districts.

TOTAL - AGRICULTURAL	38,481,600	-0-
APPROPRIATIONS		

#### 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. EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Budget Unit	2020-21	2021-22
a. General Administration and Program Support	1,400,000	-0-

(1) **Early Childhood Development:** Included in the above General Fund (Tobacco) appropriation is \$1,400,000 in fiscal year 2020-2021 for the Early Childhood Advisory Council.

#### 2. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Units	2020-21	2021-22
a. Community Based Services	12,250,000	-0-

(1) **Early Childhood Development Program:** Included in the above General Fund (Tobacco) appropriation is \$9,750,000 in fiscal year 2020-2021 for the Early Childhood Development Program.

(2) **Early Childhood Adoption and Foster Care Supports:** Included in the above General Fund (Tobacco) appropriation is \$2,500,000 in fiscal year 2020-2021 for the Early Childhood Adoption and Foster Care Supports Program.

	2020-21	2021-22
b. Public Health	9,873,100	-0-

(1) **HANDS Program, Healthy Start, Early Childhood Mental Health, and Early Childhood Oral Health:** Included in the above General Fund (Tobacco) appropriation is \$7,000,000 in fiscal year 2020-2021 for the Health Access Nurturing Development Services (HANDS) Program, \$942,000 in fiscal year 2020-2021 for Healthy Start initiatives, \$942,000 in fiscal year 2020-2021 for Early Childhood Mental Health, and \$989,100 in fiscal year 2020-2021 for Early Childhood Oral Health.

(2) **Folic Acid Program:** General Fund (Tobacco) continuing appropriation reserves allotted to the Folic Acid Program shall be utilized by the Department for Public Health during fiscal year 2020-2021 to continue the Folic Acid Program.

	2020-21	2021-22
c. Behavioral Health, Developmental and Intellectual Disabilities Services	1,916,000	-0-

(1) **Substance Abuse Prevention and Treatment:** Included in the above General Fund (Tobacco) appropriation is \$1,416,000 in fiscal year 2020-2021 for substance abuse prevention and treatment for pregnant women with a history of substance abuse problems.

(2) **Kentucky Rural Mental Health and Suicide Prevention Pilot Program:** Included in the above General Fund (Tobacco) appropriation is \$500,000 in fiscal year 2020-2021 to support the Kentucky Rural Mental Health and Suicide Prevention pilot program. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall coordinate with the Kentucky Department of Agriculture, the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, and other entities to enhance awareness of the National Suicide Prevention Lifeline (988) in rural communities in Kentucky and to improve access to information on mental health issues and available treatment services. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall provide cultural competency training to staff to address the unique mental health challenges affecting the state's rural communities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall also provide outreach, treatment, and other necessary services to improve the mental health outcomes for rural communities in Kentucky. The Department for Behavioral Health, Developmental and Intellectual Disabilities, in conjunction with the Kentucky Department of Agriculture and the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, shall apply for federal funds as provided by the Agriculture Improvement Act of 2018, 7 U.S.C. sec. 5936, to supplement the General Fund (Tobacco) appropriation provided above. The Cabinet for Health and Family Services shall submit a report on the results of the pilot program, including

but not limited to the number of participants, the mental health issues addressed, and the funding used to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Agriculture by June 30, 2022.

TOTAL - EARLY CHILDHOOD	25,439,100	-0-
APPROPRIATIONS		

### **E. HEALTH CARE IMPROVEMENT APPROPRIATIONS**

#### **GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS**

Notwithstanding KRS 164.476, 248.654 and 304.17B-003(5), appropriations for health care improvement shall be as follows:

#### **1. CABINET FOR HEALTH AND FAMILY SERVICES**

<b>Budget Unit</b>	<b>2020-21</b>	<b>2021-22</b>
a. Public Health	2,000,000	-0-

(1) **Smoking Cessation Program:** Included in the above General Fund (Tobacco) appropriation is \$2,000,000 in fiscal year 2020-2021 for Smoking Cessation.

#### **2. JUSTICE AND PUBLIC SAFETY CABINET**

<b>Budget Unit</b>	<b>2020-21</b>	<b>2021-22</b>
a. Justice Administration	3,516,600	-0-

(1) **Office of Drug Control Policy:** Included in the above General Fund (Tobacco) appropriation is \$3,166,600 in fiscal year 2020-2021 for the Office of Drug Control Policy.

(2) **Restorative Justice:** Included in the above General Fund (Tobacco) appropriation is \$350,000 in fiscal year 2020-2021 to support the Restorative Justice Program administered by the Volunteers of America.

#### **3. POSTSECONDARY EDUCATION**

<b>Budget Unit</b>	<b>2020-21</b>	<b>2021-22</b>
a. Council on Postsecondary Education	7,526,100	-0-

(1) **Cancer Research and Screening:** Included in the above General Fund (Tobacco) appropriation is \$6,876,100 in fiscal year 2020-2021 for cancer research and screening. The appropriation in fiscal year 2020-2021 shall be equally shared between the University of Kentucky and the University of Louisville.

(2) **Spinal Cord and Head Injury Research:** Included in the above General Fund (Tobacco) appropriation is \$650,000 in fiscal year 2020-2021 for spinal cord and head injury research. In accordance with KRS 211.500 to 211.504, the appropriation in fiscal year 2020-2021 shall be shared between the University of Kentucky and the University of Louisville.

TOTAL - HEALTH CARE	13,042,700	-0-
TOTAL - PHASE I TOBACCO SETTLEMENT		
FUNDING PROGRAM	108,226,600	-0-

### **PART XI**

#### **STATE/EXECUTIVE BRANCH BUDGET SUMMARY**

##### **OPERATING BUDGET**

	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
General Fund (Tobacco)	-0-	108,226,600	-0-
General Fund	45,749,300	11,295,086,000	-0-
Restricted Funds	-0-	9,371,521,500	-0-
Federal Funds	-0-	13,364,399,600	-0-
Road Fund	-0-	113,613,900	-0-

SUBTOTAL	45,749,300	34,252,847,600	-0-
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**CAPITAL PROJECTS BUDGET**

	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
General Fund	-0-	700,000	-0-
Restricted Funds	10,000,000	5,895,416,200	-0-
Federal Funds	-0-	135,451,000	-0-
Bond Funds	3,000,000	313,672,300	-0-
Agency Bonds	-0-	422,138,000	-0-
Investment Income	-0-	9,470,000	-0-
Other Funds	3,000,000	1,771,918,000	-0-
SUBTOTAL	16,000,000	8,548,765,500	-0-

**TOTAL - STATE/EXECUTIVE BUDGET**

	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
General Fund (Tobacco)	-0-	108,226,600	-0-
General Fund	45,749,300	11,295,786,000	-0-
Restricted Funds	10,000,000	15,266,937,700	-0-
Federal Funds	-0-	13,499,850,600	-0-
Road Fund	-0-	113,613,900	-0-
Bond Funds	3,000,000	313,672,300	-0-
Agency Bonds	-0-	422,138,000	-0-
Investment Income	-0-	9,470,000	-0-
Other Funds	3,000,000	1,771,918,000	-0-
TOTAL FUNDS	61,749,300	42,801,613,100	-0-

**Line items vetoed April 13, 2020. Vetoes overridden and became law April 15, 2020.**

**CHAPTER 93****( HB 353 )**

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:** Notwithstanding KRS 48.110, 48.120(4), 48.300, and any statute to the contrary, 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, 2019, and ending June 30, 2020, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, 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

	2020-21	2021-22
General Fund	500,000	-0-
Restricted Funds	2,672,100	-0-
Road Fund	85,112,100	-0-
TOTAL	88,284,200	-0-

(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 2020-2022 Biennial Highway Construction Program and Section 2 shall detail the 2020-2022 Highway Preconstruction Program Plan for fiscal year 2020-2021 through fiscal year 2025-2026 as identified by the 2020 General Assembly. This document shall mirror in data type and format the fiscal year 2020-2026 Recommended Six-Year Road Plan as submitted to the 2020 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 2020 Regular Session of the General Assembly.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$7,110,100 in fiscal year 2020-2021 for debt service on previously authorized bonds.

(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) **Riverport Improvements:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2020-2021 to improve public riverports within Kentucky. The Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board, shall determine how the funds are distributed.

#### 2. AVIATION

	2020-21	2021-22
Restricted Funds	21,221,400	-0-
Federal Funds	500,000	-0-
Road Fund	2,797,700	-0-
TOTAL	24,519,100	-0-

(1) **Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted Funds appropriation includes operational costs of the program in fiscal year 2020-2021.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$1,831,100 in fiscal year 2020-2021 for debt service on previously authorized bonds. Notwithstanding KRS 183.525, \$1,831,100 in fiscal year 2020-2021 is transferred to the Road Fund from the Kentucky Aviation Economic Development Fund to support debt service on those bonds.

#### 3. DEBT SERVICE

	2020-21	2021-22
Road Fund	147,991,400	-0-

(1) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is \$147,991,400 in fiscal year 2020-2021 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 2020-2022 fiscal biennium.

#### 4. HIGHWAYS

	2020-21	2021-22
Restricted Funds	113,846,700	-0-
Federal Funds	725,999,900	-0-
Road Fund	826,464,900	-0-
TOTAL	1,666,311,500	-0-

**(1) Debt Service:** Included in the above Federal Funds appropriation is \$79,468,700 in fiscal year 2020-2021 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 \$256,669,600 in fiscal year 2020-2021 for the State Supported Construction Program.

**(3) Biennial Highway Construction Program:** Included in the State Supported Construction Program is \$115,069,600 in fiscal year 2020-2021 from the Road Fund for state construction projects in the fiscal biennium 2020-2022 Biennial Highway Construction Program.

**(4) Highway Construction Contingency Account:** Included in the State Supported Construction Program is \$16,600,000 in fiscal year 2020-2021 for the Highway Construction Contingency Account. Notwithstanding KRS 45.247(4), the Secretary shall not expend Highway Construction Contingency moneys for purposes he or she determines to be a priority. Notwithstanding KRS 224.43-505(2)(d), included in the Highway Construction Contingency Account is \$5,000,000 in fiscal year 2020-2021 for the Kentucky Pride Fund created in KRS 224.43-505. Also included in the Highway Construction Contingency Account for Railroads is \$1,600,000 in fiscal year 2020-2021 for public safety and service improvements which shall not be expended unless matched with non-state funds equaling at least 20 percent of the total amount for any individual project. Additionally, in fiscal year 2020-2021, up to \$350,000 of the \$1,600,000 appropriation may be used to research the merits and responsibilities of the Kentucky Rail Office in the Kentucky Transportation Cabinet and establish and administer the Kentucky Rail Office.

**(5) 2018-2020 Biennial Highway Construction Plan:** Projects in the enacted 2018-2020 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2020-2022 fiscal biennium. If projects in previously enacted highway construction plans conflict with the 2020-2022 Biennial Highway Construction Plan, the projects in the 2020-2022 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 2020-2022 Biennial Highway Construction Plan for those projects.

**(6) State Match Provisions:** The Transportation Cabinet is authorized to utilize state construction moneys or Toll Credits to match federal highway moneys.

**(7) 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 2020-2022 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.

**(8) 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 2020-2022 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, 2020.

**(9) 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 2019-2020 and in fiscal year 2020-2021 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 2019-2020 and in fiscal year 2020-2021, 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.

**(10) Federally Supported Construction Program:** Included in the above Federal Funds appropriation is \$624,506,400 in fiscal year 2020-2021 for federal construction projects.

**(11) Highways Maintenance:** Included in the above Highways Road Fund appropriation is \$399,379,300 in fiscal year 2020-2021 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.

**(12) Delayed Projects Status Report:** The Secretary of the Transportation Cabinet shall report by September 30 of fiscal year 2020-2021 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.

**(13) Maintenance Reentry Employment Program:** Included in the above Road Fund appropriation is \$250,000 in fiscal year 2020-2021 to support contracting with a 501(c)(3) nonprofit organization that employs individuals on probation or parole supervision to perform crew-based maintenance services. These individuals will be selected with input from the Department of Corrections and shall provide assistance with litter abatement, graffiti removal, and vegetation control.

## 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

	2020-21	2021-22
General Fund	5,589,000	-0-
Restricted Funds	9,083,600	-0-
Federal Funds	25,757,400	-0-

TOTAL	40,430,000	-0-
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(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 fiscal year 2020-2021 for nonpublic school transportation.

## 7. REVENUE SHARING

	2020-21	2021-22
Road Fund	350,007,300	-0-

(1) **County Road Aid Program:** Included in the above Road Fund appropriation is \$132,307,900 in fiscal year 2020-2021 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440. Notwithstanding KRS 177.320(2) and (4), the above amount has been reduced by \$38,000, 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 \$160,383,400 in fiscal year 2020-2021 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) and (4), the above amount has been reduced by \$46,000, 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 \$55,628,400 in fiscal year 2020-2021 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369. Notwithstanding KRS 177.320(4) and 177.365(1), the above amount has been reduced by \$16,000, 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 \$334,000 in fiscal year 2020-2021 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.978, 177.979, and 177.981.

(5) **County Judge/Executive Expense Allowance:** Notwithstanding KRS 67.722, each County Judge/Executive not serving in a consolidated local government shall receive an annual expense allowance of \$2,400 during the 2020-2022 fiscal biennium. Payment shall be made quarterly from the Rural Secondary Program.

(6) **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

	2019-20	2020-21	2021-22
Restricted Funds	-0-	14,640,500	-0-
Federal Funds	-0-	2,640,100	-0-
Road Fund	4,265,500	46,232,900	-0-
TOTAL	4,265,500	63,513,500	-0-

(1) **Debt Service:** Included in the above Road Fund appropriation is \$800,000 in fiscal year 2020-2021 for debt service on previously authorized bonds.

## TOTAL - TRANSPORTATION CABINET

	2019-20	2020-21	2021-22
General Fund	-0-	6,089,000	-0-
Restricted Funds	-0-	161,464,300	-0-
Federal Funds	-0-	754,897,400	-0-
Road Fund	4,265,500	1,458,606,300	-0-
TOTAL	4,265,500	2,381,057,000	-0-

## 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 2020-2022 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, 2020, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2020; (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 2018-2020 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 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 area: Aircraft Maintenance Pool. Notwithstanding any statute to the contrary, projects estimated to cost \$1,000,000 and over and equipment estimated to cost \$200,000 and over shall be reported to the Capital Projects and Bond Oversight Committee.

**A. TRANSPORTATION CABINET**

<b>Budget Units</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
<b>1. GENERAL ADMINISTRATION AND SUPPORT</b>			
<b>001. Maintenance Pool - 2020-2022</b>			
Road Fund	-0-	2,950,000	-0-
<b>002. Construct Whitley County Maintenance Facility and Salt Structure</b>			
Road Fund	-0-	2,550,000	-0-
<b>003. Construct Nicholas County Maintenance Facility and Salt Storage</b>			
Road Fund	-0-	2,000,000	-0-
<b>004. Construct Ballard County Maintenance Facility and Salt Storage – Additional Reauthorization (\$1,584,000 Road Fund)</b>			
Road Fund	-0-	700,000	-0-
<b>005. Construct Hopkins County Maintenance Facility and Salt Storage – Reauthorization (\$1,800,000 Road Fund)</b>			
<b>006. Construct Clay County District Office – Reauthorization (\$7,445,000 Road Fund)</b>			
<b>007. AASHTOWare</b>			
Road Fund	-0-	1,000,000	-0-
<b>008. Construct Casey County Maintenance Facility</b>			
Restricted Funds	660,000	-0-	-0-
Road Fund	800,000	-0-	-0-
<b>TOTAL</b>	<b>1,460,000</b>	<b>-0-</b>	<b>-0-</b>
<b>2. AVIATION</b>			

**001. Aircraft Maintenance Pool – 2020-2022**

Investment Income	-0-	700,000	-0-
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**3. HIGHWAYS****001. Repair Loadometer and Rest Areas – 2020-2022**

Road Fund	-0-	1,500,000	-0-
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**002. Road Maintenance Parks – 2020-2022**

Road Fund	-0-	1,250,000	-0-
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**003. Various Environmental Compliance – 2020-2022**

Road Fund	-0-	490,000	-0-
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**004. Transportation Warehouse Facility Renovation or Replacement**

Road Fund	-0-	1,500,000	-0-
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**005. Jefferson County – Lease****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 2020-2021:

	2020-21	2021-22
<b>A. TRANSPORTATION CABINET</b>		
<b>1. Aviation</b>		
Agency Revenue Fund	438,400	-0-
(KRS 183.525(4) and (5))		
<b>2. Vehicle Regulation</b>		
Agency Revenue Fund	4,400,000	-0-
(KRS 186.040(6)(a))		
<b>TOTAL - FUNDS TRANSFER</b>	<b>4,838,400</b>	<b>-0-</b>

**PART IV****TRANSPORTATION CABINET BUDGET SUMMARY****OPERATING BUDGET**

	2019-20	2020-21	2021-22
General Fund	-0-	6,089,000	-0-
Restricted Funds	-0-	161,464,300	-0-
Federal Funds	-0-	754,897,400	-0-
Road Fund	4,265,500	1,458,606,300	-0-
<b>SUBTOTAL</b>	<b>4,265,500</b>	<b>2,381,057,000</b>	<b>-0-</b>

**CAPITAL PROJECTS BUDGET**

	2019-20	2020-21	2021-22
Restricted Funds	660,000	-0-	-0-
Road Fund	800,000	13,940,000	-0-

Investment Income	-0-	700,000	-0-
SUBTOTAL	1,460,000	14,640,000	-0-

**TOTAL - TRANSPORTATION CABINET BUDGET**

	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
General Fund	-0-	6,089,000	-0-
Restricted Funds	660,000	161,464,300	-0-
Federal Funds	-0-	754,897,400	-0-
Road Fund	5,065,500	1,472,546,300	-0-
Investment Income	-0-	700,000	-0-
TOTAL FUNDS	5,725,500	2,395,697,000	-0-

**Line items vetoed April 13, 2020. Vetoes overridden and became law April 15, 2020.**

**CHAPTER 94****( HB 354 )**

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 2020-2022 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. 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 2020-2022 Biennial Highway Construction Program and Section 2 shall detail the 2020-2022 Highway Preconstruction Program Plan for fiscal year 2022-2023 through fiscal year 2025-2026 as identified by the 2020 General Assembly. This document shall mirror in data type and format the fiscal year 2020-2026 Recommended Six-Year Road Plan as submitted to the 2022 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 2020 Regular Session of the General Assembly.

➔Section 4. 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 5. This Act in conjunction with 2020 Regular Session HJR 66 shall constitute the Six-Year Road Plan.

➔Section 6. Whereas the funding for these projects is provided by 2020 Regular Session HB 353, 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 7. The 2020-2022 Biennial Highway Construction Plan is as follows:

**Veto overridden Signed by Secretary of State, April 15, 2020.**

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Adair	80003	KY-55	SAFETY(P)	KY 55 NEW TURNING LANE AT BETTY'S OK COUNTRY COOKING(18CCN)	PL				
					DN	SPP		250,000	
					RW	SPP		110,000	
					UT	SPP		56,000	
					CN	SPP			394,000
					Project Cost:		0	416,000	394,000
Total for Adair county					PL				
					DN			250,000	
					RW			110,000	
					UT			56,000	
					CN				394,000
					Total Amounts:		0	416,000	394,000
Allen	8901	CO-0	SAFETY(P)	IMPROVE ACCESS ROAD ON EACH END OF INDUSTRIAL ACCESS ROAD IN SCOTTSVILLE. (16CCN)(18CCN)	PL				
					DN				
					RW				
					UT				
					CN	SPP			320,000
					Project Cost:		0	0	320,000
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			400,000
					UT	SPP			300,000
					CN				
					Project Cost:		0	400,000	700,000
Total for ALLEN county					PL				
					DN			400,000	
					RW				400,000
					UT				300,000
					CN				320,000
					Total Amounts:		0	400,000	1,020,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2020	FY 2021	FY 2022
Anderson	20001	BG-9002	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF MARTHA LAYNE COLLINS BLUEGRASS PARKWAY CARDINAL DIRECTION(S) FROM MILEPOINT 58.3 TO MILEPOINT 61.84	PL DN RW UT CN	PM			250,000
					Project Cost:		0	0	2,500,000
									2,750,000
Anderson	80001	US-62	SPOT IMPROVEMENTS(O)	IMPROVE US-62 (VERSAILLES RD.) FROM HILLTOP DR. TO WEST END OF BRIDGE OVER KENTUCKY RIVER AT TYRONE(18CCN)	PL DN RW UT CN	FED		1,250,000	
					Project Cost:		0	1,250,000	0
ANDERSON	80103	KY-44	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY 44 OVER CROOKED CREEK ON THE ANDERSON/SPENCER CO LINE	PL DN RW UT CN	SPP		175,000	
								5,000	
								5,000	
					Project Cost:		0	185,000	1,705,000
Total for ANDERSON county					PL DN RW UT CN			1,425,000	250,000
								5,000	
								5,000	
					Total Amounts:		0	1,435,000	4,205,000
									4,455,000
Ballard	115	US-60	MAJOR WIDENING(O)	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM STAFFORD ROAD TO BETHEL CHURCH ROAD (INCLUDES KEVIL BYPASS)(TO BE LET WITH 1-115.10) (06CCR)(12CCR)(14CCR)(18CCR).	PL DN RW UT CN	FED FED SPP		2,000,000 1,200,000	10,700,000
					Project Cost:		0	3,200,000	10,700,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Ballard	115.0001	US-60	MAJOR WIDENING(O)	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM STAFFORD ROAD TO BETHEL CHURCH ROAD (INCLUDES KEVIL BYPASS)(TO BE LET WITH 1-115.10) (06CCR)(12CCR)(14CCR)(18CCR).	PL DN RW UT CN	FED FED			3,800,000 3,600,000
Project Cost:							0	0	7,400,000
Ballard	115.0002	US-60	MAJOR WIDENING(O)	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM STAFFORD ROAD TO BETHEL CHURCH ROAD (INCLUDES KEVIL BYPASS)(TO BE LET WITH 1-115.10) (06CCR)(12CCR)(14CCR)(18CCR).	PL DN RW UT CN	FED			2,400,000
Project Cost:							0	0	2,400,000
Ballard	1140	US-51	BRIDGE REPLACEMENT(P)	US-51 OHIO RIVER BRIDGE REPLACEMENT STUDY.	PL DN RW UT CN	BR	2,500,000		
Project Cost:							2,500,000	0	0
Ballard	1140.0001	US-51	BRIDGE REPLACEMENT(P)	US-51 OHIO RIVER BRIDGE REPLACEMENT STUDY.	PL DN RW UT CN	BR		10,000,000	
Project Cost:							0	10,000,000	0
Ballard	1140.0002	US-51	BRIDGE REPLACEMENT(P)	US-51 OHIO RIVER BRIDGE REPLACEMENT STUDY.	PL DN RW UT CN	BR BR BR			3,250,000 1,000,000 100,000
Project Cost:							0	0	4,350,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Ballard	20000	US-51	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL				
					DN	PM		275,000	
					RW				
					UT				
					CN	PM		2,750,000	
					Project Cost:		0	3,025,000	0
Total for Ballard county					PL				
					DN		2,500,000	10,275,000	3,250,000
					RW			2,000,000	4,800,000
					UT			1,200,000	6,100,000
					CN			2,750,000	10,700,000
					Total Amounts:		2,500,000	16,225,000	24,850,000
Barren	108.4	CO-0	SPOT IMPROVEMENTS(O)	RELOCATE KY 90 TO BYPASS THE COMMUNITY OF EIGHTY-EIGHT.	PL				
					DN				
					RW				
					UT				
					CN	FED		3,300,000	
					Project Cost:		0	3,300,000	0
Barren	108.5	KY-90	RECONSTRUCTION(O)	PRIORITY SECTION 3: IMPROVE 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	FED			6,000,000
					Project Cost:		0	0	6,000,000
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				
					RW	SPP		390,000	
					UT	SPP			1,200,000
					CN				
					Project Cost:		0	390,000	1,200,000



# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Barren	8821	KY-1297	MAJOR WIDENING(O)	IMPROVE KY-1297 FROM CR-1366 (DONNELLY DRIVE) TO US-31E (ROGER WELLS), AND IMPROVE CR-1366 (DONNELLY DRIVE) FROM KY-1297 TO US-68 IN GLASGOW. (14CCN) (16CCN)	PL DN RW UT CN	FED FED			2,250,000 2,000,000
Project Cost:							0	0	4,250,000
Barren	20004	LN-9008	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 20.1 TO MILEPOINT 22.357	PL DN RW UT CN	PM PM		180,000	
Project Cost:							0	1,800,000	0
Barren	20020	US-68	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON US-68 FROM MILEPOINT 0.00 TO MILEPOINT 9.70	PL DN RW UT CN	PM		1,250,000	
Project Cost:							0	1,250,000	0
Total for Barren county					PL DN RW UT CN			180,000 390,000 6,350,000	2,250,000 3,200,000 6,000,000
Total Amounts:							0	6,920,000	11,450,000
BATH	80101	KY-36	SAFETY(P)	IMPROVE SAFETY ON KY 36 FROM THE INTERSECTION WITH I 64 TO THE INTERSECTION OF KY 965 INCLUDING THE CURVES KNOWN AS CLEAR CREEK FURNACE AND THOMAS HILL	PL DN RW UT CN	SPP		208,000	
Project Cost:							0	208,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
BATH	80102	KY-36	SAFETY(P)	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY ON KY 36 FROM NORTH OF MARIELLA DR TO THE INTERSECTION OF OLD KY 36	PL DN RW UT CN	SPP			260,000
					Project Cost:		0	0	260,000
Total for BATH county					PL DN RW UT CN			208,000	260,000
					Total Amounts:		0	208,000	260,000
Bell	4314	KY-190	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL DN RW UT CN	GR			68,000
					Project Cost:		0	0	68,000
Bell	4315	KY-2394	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-2394 IN BELL COUNTY	PL DN RW UT CN	GR			69,000
					Project Cost:		0	0	69,000
Bell	4316	KY-987	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL DN RW UT CN	GR			119,000
					Project Cost:		0	0	119,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Bell	4317	KY-987	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			70,000
				Project Cost:			0	0	70,000
Bell	4318	KY-987	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			68,000
				Project Cost:			0	0	68,000
Bell	4424	KY-190	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		34,000	
				Project Cost:			0	34,000	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		990,000	
					UT	SPP			520,000
					CN				
				Project Cost:			0	990,000	520,000
BELL	80150	KY-74	AIR QUALITY(P)	IMPROVE SAFETY ALONG E. CUMBERLAND AVE. (KY 74) BETWEEN MP 16.234 AND 16.753 FOR PEDESTRIAN TRAFFIC BY REPLACING DETERIORATED SIDEWALKS AND UPDATING RAMPS	PL				
					DN	FED		50,000	
					RW				
					UT	FED		50,000	
					CN	FED		400,000	
				Project Cost:			0	500,000	0

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
BELL	80151	KY-74	AIR QUALITY(P)	IMPROVE SAFETY ALONG W. CUMERLAND AVE. (KY 74) FROM MP 15.190 TO MP 16.234 FOR PEDESTRIAN TRAFFIC BY REPLACING DETERIORATED SIDEWALKS AND UPDATING RAMPS	PL DN RW UT CN	FED  FED FED		50,000  50,000 750,000	
Project Cost:							0	850,000	0
BELL	80152	KY-2402	AIR QUALITY(P)	IMPROVE SAFETY ALONG N 25TH STREET (KY 2402) FOR PEDESTRIAN TRAFFIC BY REPLACING DETERIORATED SIDEWALKS AND UPDATING RAMPS FROM MP 0 TO 0.353	PL DN RW UT CN	FED  FED FED		50,000  50,000 350,000	
Project Cost:							0	450,000	0
Total for BELL county					PL DN RW UT CN			150,000 990,000 150,000 1,534,000	520,000 394,000
Total Amounts:							0	2,824,000	914,000
Boone	80	I-75	CONGESTION MITIGTN(O)	REDUCE CONGESTION AND IMPROVE TRAFFIC MOBILITY AT THE INTERCHANGE OF I-75 AND KY-14 IN WALTON.	PL DN RW UT CN	FED			1,090,000
Project Cost:							0	0	1,090,000
Boone	105	US-25	PLANNING	CONDUCT PLANNING STUDY TO EVALUATE OPTIONS FOR RECONSTRUCTING US 25 BETWEEN KY 14 (MARY GRUBBS HIGHWAY) AND KY 338 (RICHWOOD ROAD).	PL DN RW UT CN	FED		500,000	
Project Cost:							0	500,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boone	113	KY-338	PLANNING	CONDUCT PLANNING STUDY TO EVALUATE OPTIONS FOR RECONSTRUCTING KY 338 (RICHWOOD ROAD) FROM TRIPLE CROWN BLVD TO US 42.	PL DN RW UT CN	FED			500,000
				Project Cost:			0	0	500,000
Boone	400.15	CO-0	MATCHED FED FUNDS(O)	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK	414,000		
				Project Cost:			414,000	0	0
Boone	400.1501	CO-0	MATCHED FED FUNDS(O)	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK		414,000	
				Project Cost:			0	414,000	0
Boone	400.1502	CO-0	MATCHED FED FUNDS(O)	NORTHERN KENTUCKY RIDESHARE PROGRAM. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK			414,000
				Project Cost:			0	0	414,000
Boone	401.15	CO-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	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boone	401.1501	CO-0	MATCHED FED FUNDS(O)	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK		280,000	
					Project Cost:		0	280,000	0
Boone	401.1502	CO-0	MATCHED FED FUNDS(O)	OKI REGIONAL TRANSPORTATION PLANNING. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SNK			280,000
					Project Cost:		0	0	280,000
Boone	401.2	CO-0	MATCHED FED FUNDS(O)	N KY PLANNING FY 2020 AIR QUALITY, FIAM, LAND USE, RIDESHARE.	PL DN RW UT CN	SNK	150,000		
					Project Cost:		150,000	0	0
Boone	401.2001	CO-0	MATCHED FED FUNDS(O)	N KY PLANNING FY 2020 AIR QUALITY, FIAM, LAND USE, RIDESHARE.	PL DN RW UT CN	SNK		150,000	
					Project Cost:		0	150,000	0
Boone	401.2002	CO-0	MATCHED FED FUNDS(O)	N KY PLANNING FY 2020 AIR QUALITY, FIAM, LAND USE, RIDESHARE.	PL DN RW UT CN	SNK			150,000
					Project Cost:		0	0	150,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boone	444	KY-236	MAJOR WIDENING(O)	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-236 (DONALDSON ROAD) FROM KY-842 (HOUSTON ROAD) TO KY-3076 (MINEOLA PIKE). (18CCR)	PL				
					DN	FED	1,130,000		
					RW	FED		600,000	
					UT	FED		1,000,000	
					CN	FED			7,510,000
					Project Cost:		1,130,000	1,600,000	7,510,000
Boone	445	KY-3076	MAJOR WIDENING(O)	IMPROVE FREIGHT MOBILITY AND REDUCE CONGESTION ON KY-3076 (MINEOLA PIKE) FROM KY-1017 TO I-275. (18CCR)	PL				
					DN	FED	970,000		
					RW	FED		3,800,000	
					UT	FED		750,000	
					CN	FED			6,400,000
					Project Cost:		970,000	4,550,000	6,400,000
Boone	446	US-42	NEW ROUTE(O)	PROVIDE EAST-WEST CONNECTIVITY AND IMPROVED MOBILITY FROM KY-237 (PLEASANT VALLEY ROAD) THRU KY-842 (HOPEFUL CHURCH ROAD) TO MALL ROAD/I-75 INTERCHANGE. (18CCR)	PL				
					DN	FED			1,500,000
					RW				
					UT				
					CN				
					Project Cost:		0	0	1,500,000
Boone	447	US-25	MAJOR WIDENING(O)	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-25 FROM WINNING COLORS DRIVE TO THE NORFOLK SOUTHERN RAILROAD CROSSING SOUTH OF KY-1829 (INDUSTRIAL ROAD); EXCLUDES GRADE SEPARATION AT	PL				
					DN	FED		3,720,000	
					RW				
					UT				
					CN				
					Project Cost:		0	3,720,000	0
Boone	966.08	CO-0	MATCHED FED FUNDS(O)	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	9,486,000		
					Project Cost:		9,486,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boone	966.0801	CO-0	MATCHED FED FUNDS(O)	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		9,486,000	
					Project Cost:		0	9,486,000	0
Boone	966.0802	CO-0	MATCHED FED FUNDS(O)	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			9,486,000
					Project Cost:		0	0	9,486,000
BOONE	1087	KY-842	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER NS (CNO&TP)RR ON RICHARDSON ROAD (KY 842) 0.14 MI E OF US 25 NEAR INDEPENDENCE (008B00092N)	PL DN RW UT CN	BR BR BR	500,000	3,000,000 1,000,000	
					Project Cost:		500,000	4,000,000	0
Boone	20001	I-71	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-71 BOTH DIRECTION(S) FROM MILEPOINT 69.89 TO MILEPOINT 77.724.	PL DN RW UT CN	PM			650,000
					Project Cost:		0	0	650,000
Boone	20005	I-275	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-275 BOTH DIRECTION(S) FROM MILEPOINT 13.076 TO MILEPOINT 13.7	PL DN RW UT CN	PM PM			50,000 500,000
					Project Cost:		0	0	550,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boone	20006	I-275	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-275 BOTH DIRECTION(S) FROM MILEPOINT 1.58 TO MILEPOINT 7.25	PL DN RW UT CN	PM			850,000
Project Cost:							0	0	850,000
Boone	20008	KY-18	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT.	PL DN RW UT CN	PM		225,000	
Project Cost:							0	2,250,000	0
							0	2,475,000	0
Boone	80000	KY-237	RECONSTRUCTION(O)	RECONSTRUCT GUNPOWDER RD. FROM US-42 TO KY-536. (18CCN)	PL DN RW UT CN	SPP		2,080,000	
Project Cost:							0	2,080,000	0
Boone	80001	KY-237	CONGESTION MITIGTN(O)	EXPANSION OF ROUNDABOUTS ALONG KY-237 AT CARDINAL COVE AND GRAVES RD(18CCN)	PL DN RW UT CN	SPP			530,000
Project Cost:							0	0	520,000
							0	0	1,050,000
BOONE	80100	KY-1017	RECONSTRUCTION(O)	CONVERT TURFWAY RD AND THOROUGHbred BLVD FROM 2 WAY TO ONE WAY AND CONSTRUCT NEW I-75 ACCESS	PL DN RW UT CN	SPP			9,000,000
Project Cost:							0	0	9,000,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
BOONE	80101	KY-18	RECONSTRUCTION(O)	CONVERT KY 18 (BURLINGTON PIKE) TO A SUPER STREET	PL				
					DN	SPP		1,930,000	
					RW	SPP			3,000,000
					UT	SPP			500,000
					CN				
					Project Cost:		0	1,930,000	3,500,000
BOONE	80102	KY-3060	SAFETY(P)	ADDRESS SAFETY AND CONGESTION ON KY 3060 (FROGTOWN RD.) AND WIDEN TO 4 LANES	PL				
					DN	SPP			3,000,000
					RW				
					UT				
					CN				
					Project Cost:		0	0	3,000,000
BOONE	80150	KY-3155	AIR QUALITY(P)	IMPROVE MUTLI-MODAL MOBILITY IMMEDIATELY EAST OF CVG AIRPORT VIA A NEW CONNECTION AT KY 717 (TURFWAY RD), KY 3076 (MINEOLA PK), AND EXTEND KY-236 (DONALDSON HWY) TO S. AIRFIELD RD (PR 1012)	PL				
					DN	FED			1,000,000
					RW				
					UT				
					CN				
					Project Cost:		0	0	1,000,000
Total for BOONE county					PL		150,000	650,000	1,740,000
					DN		2,600,000	7,955,000	7,050,000
					RW			7,400,000	3,530,000
					UT			2,750,000	1,020,000
					CN		9,956,000	12,430,000	33,590,000
					Total Amounts:		12,706,000	31,185,000	46,930,000
Bourbon	8705	US-460	RECONSTRUCTION(O)	IMPROVE US-460 FROM RUSSELL CAVE ROAD TO US-27 BYPASS IN PARIS.(12CCN)(14CCR)(16CCR)	PL				
					DN				
					RW				
					UT	FED	7,000,000		
					CN	FED			11,160,000
					Project Cost:		7,000,000	0	11,160,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Bourbon county					PL				
					DN				
					RW				
					UT		7,000,000		
					CN				11,160,000
				Total Amounts:			7,000,000	0	11,160,000
Boyd	208.06	CO-0	MATCHED FED FUNDS(O)	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	1,782,000		
				Project Cost:			1,782,000	0	0
Boyd	208.0601	CO-0	MATCHED FED FUNDS(O)	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		1,782,000	
				Project Cost:			0	1,782,000	0
Boyd	208.0602	CO-0	MATCHED FED FUNDS(O)	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			1,782,000
				Project Cost:			0	0	1,782,000
Boyd	4306	KY-1012	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1012 IN BOYD COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			70,000
				Project Cost:			0	0	70,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boyd	4326	KY-3294	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-3294 IN BOYD COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		22,000	
					Project Cost:		0	22,000	0
Boyd	4331	KY-538	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-538 IN BOYD COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		33,000	
					Project Cost:		0	33,000	0
Boyd	8400	US-60	CONGESTION MITIGTN(O)	IMPROVE US-60 FROM I-64 AT INTERCHANGE 181 TO THE KY-180 INTERSECTION AT CANNONSBURG. (08CCN) (10CCR)(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED	22,600,000		
					Project Cost:		22,600,000	0	0
Boyd	10015	US-60	AM-BRIDGE (P)	PAINTING AND PREVENTIVE MAINTENANCE ON CATLETTSBURG KENOVA BRIDGE ON 35TH ST. OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (010B00062N)(BSBP)	PL				
					DN				
					RW				
					UT				
					CN	BR	1,200,000		
					Project Cost:		1,200,000	0	0
Boyd	10016	I-64	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON PERRY GENTRY BRIDGES OVER THE BIG SANDY RIVER. JOINT PROJECT WITH WEST VIRGINIA. (010B00046L AND 010B00046R)(SD)	PL				
					DN				
					RW				
					UT				
					CN	BR	1,500,000		
					Project Cost:		1,500,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boyd	20003	I-64	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-64 BOTH DIRECTION(S) FROM MILEPOINT 183.95 TO MILEPOINT 191.507.	PL DN RW UT CN	PM		600,000	
					Project Cost:		0	6,600,000	0
Total for Boyd county					PL DN RW UT CN			600,000	
					Total Amounts:		27,082,000	7,837,000	1,852,000
Boyle	104	KY-52	PLANNING	PLANNING STUDY TO EVALUATE OPTIONS FOR IMPROVING SAFETY ON KY 52 BETWEEN DANVILLE AND LANCASTER.	PL DN RW UT CN	FED		500,000	
					Project Cost:		0	500,000	0
Boyle	242	US-68	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF US 68 AND US 150 BRIDGE OVER CHAPLIN RIVER, PERRYVILLE. (SEE 7-242.01 FOR HPP FUNDS) (2005HPP-KY134)(011B00042N)(SD)	PL DN RW UT CN	BR	910,000		
					Project Cost:		910,000	0	0
Boyle	242.01	US-68	AM-BRIDGE (P)	REPLACE US 68 AND US 150 BRIDGE OVER CHAPLIN RIVER, PERRYVILLE. 011B00042N (2005HPP-KY134)(EARMARK DOES NOT COVER TOTAL PROJECT COST OF \$1,790,000).(SD)	PL DN RW UT CN	HPP	487,797		
					Project Cost:		487,797	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Boyle	20024	US-127	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON US-127B FROM MILEPOINT 0.00 TO MILEPOINT 5.27	PL DN RW UT CN	PM			2,301,000
					Project Cost:		0	0	2,301,000
Boyle	80000	CO-0	NEW ROUTE(O)	CONSTRUCT A NEW CONNECTOR ROAD ON THE EAST SIDE OF DANVILLE CONNECTING KY-34 AND US-150 BYPASS(18CCN)	PL DN RW UT CN	FED			2,080,000
					Project Cost:		0	0	2,080,000
Total for Boyle county					PL DN RW UT CN			500,000	2,080,000
							1,397,797		2,301,000
					Total Amounts:		1,397,797	500,000	4,381,000
Bracken	355.22	KY-8	FERRY OPERATION(P)	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)(14CCR)	PL DN RW UT CN	SPP		282,300	
					Project Cost:		0	282,300	0
Bracken	355.2201	KY-8	FERRY OPERATION(P)	OPERATION OF AUGUSTA FERRY FOR FY 2020. (12CCR)(14CCR)	PL DN RW UT CN	SPP			232,200
					Project Cost:		0	0	232,200

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Bracken county					PL				
					DN				
					RW				
					UT				
					CN			282,300	232,200
				Total Amounts:			0	282,300	232,200
Breathitt	375	KY-205	MINOR WIDENING(O)	IMPROVE KY-205 FROM NORTH OF KY-1812 TO SOUTH OF PEGGS FORK RD.	PL				
					DN	FED			1,560,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	1,560,000
Breathitt	376	KY-15	MAJOR WIDENING(O)	IMPROVE KY-15 FROM THE INTERSECTION OF NEW KY-15/30 TO INTERSECTION OF KY-1812.	PL				
					DN				
					RW	FED			1,530,000
					UT				
					CN				
				Project Cost:			0	0	1,530,000
Breathitt	10011	CR-1104	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BIG BRANCH ROAD BRIDGE OVER BIG BRANCH CREEK. (013C00008N)	PL				
					DN	BR	50,000		
					RW				
					UT				
					CN	BR	360,000		
				Project Cost:			410,000	0	0
BREATHITT	80107	CR-1125	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE OVER PUNCHEON CREEK ON MAX ROARK RD	PL				
					DN	SPP			125,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	125,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for BREATHITT county					PL				
					DN		50,000		1,685,000
					RW				1,530,000
					UT				
					CN		360,000		
					Total Amounts:		410,000	0	3,215,000
Breckinridge	159	KY-86	RECONSTRUCTION	REALIGN KY 86 FROM JESSIE PRIEST ROAD TO EAST OF ROSETTA CORNERS.	PL				
					DN	FED			600,000
					RW				
					UT				
					CN				
					Project Cost:		0	0	600,000
BRECKINRIDGE	8703	KY-79	RECONSTRUCTION(O)	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 79 FROM KY 477 TO KY 428.(12CCN)(14CCR)	PL				
					DN	SPP		350,000	
					RW	SPP			200,000
					UT	SPP			600,000
					CN				
					Project Cost:		0	350,000	800,000
Breckinridge	20025	US-60	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON US-60 FROM MILEPOINT 0.00 TO MILEPOINT 2.78	PL				
					DN				
					RW				
					UT				
					CN	PM			642,000
					Project Cost:		0	0	642,000
Total for Breckinridge county					PL				
					DN			350,000	600,000
					RW				200,000
					UT				600,000
					CN				642,000
					Total Amounts:		0	350,000	2,042,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
BULLITT	43	KY-44	RECONSTRUCTION(O)	RECONSTRUCT KY 44 FROM KY 1319 KINGS CHURCH HIGHWAY TO SPENCER COUNTY LINE	PL DN RW UT CN	SPP		1,200,000	
Project Cost:							0	1,200,000	0
BULLITT	347.5	KY-44	RECONSTRUCTION(O)	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM US31E BYPASS TO KY 1319 KINGS CHURCH HIGHWAY	PL DN RW UT CN	SPP		1,300,000	
Project Cost:							0	1,300,000	0
Bullitt	347.51	KY-44	RECONSTRUCTION(O)	NEW TURN LANES IN FRONT OF BULLITT EAST HIGH SCHOOL. (BREAKOUT FROM 347.50) (18CCN)	PL DN RW UT CN	FED FED FED FED	500,000	100,000 545,000	680,000
Project Cost:							500,000	645,000	680,000
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	FED		7,900,000	
Project Cost:							0	7,900,000	0
Bullitt	391.3	KY-480	RECONSTRUCTION(O)	IMPROVE OPERATIONAL PERFORMANCE OF THE I-65/KY-480 INTERCHANGE INCLUDING RAMP IMPROVEMENTS AND TURNING LANES. (12CCR) (14CCR)(2014BOP)(16CCR)	PL DN RW UT CN	FED			9,490,000
Project Cost:							0	0	9,490,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Bullitt	4305	KY-1526	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1526 IN BULLITT COUNTY	PL DN RW UT CN	GR		18,000	
					Project Cost:		0	18,000	0
Bullitt	8509	KY-245	MINOR WIDENING(O)	WIDEN KY-245 FROM BERNHEIM FOREST TO THE COMMUNITY COLLEGE. (08CCN)(10CCR)(14CCR)(16CCR)	PL DN RW UT CN	FED			13,140,000
					Project Cost:		0	0	13,140,000
Bullitt	8856	I-65	TRANSP ENHANCEMENT(P)	SOUND BARRIERS ON EAST SIDE OF I-65 ACROSS FROM CONESTOGA INDUSTRIAL AREA. LOCALS WILL PROVIDE \$100,000 FOR CONSTRUCTION (14CCN)(16CCR)(18CCN)	PL DN RW UT CN	SPP		1,800,000	
					Project Cost:		0	1,800,000	0
Bullitt	20036	KY-480	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON KY-480 FROM MILEPOINT 0.00 TO MILEPOINT 5.14	PL DN RW UT CN	PM			910,000
					Project Cost:		0	0	910,000
BULLITT	80100	KY-61	PLANNING-OKI(O)	ACCESS, SAFETY AND ECONOMIC DEVELOPMENT IMPROVEMENT STUDY ALONG KY 61 IN LEBANON JUNCTION FROM LEBANON JUNCTION MIDDLE SCHOOL TO NELSON COUNTY LINE 9 (MP 0.0 TO 3.7)	PL DN RW UT CN	SPP		250,000	
					Project Cost:		0	250,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
BULLITT	80101	KY-1450	SAFETY(P)	IMPROVE SAFETY AND REDUCE CONGESTION ON KY 1450 (BLUE LICK RD.) BETWEEN THE INTERSECTIONS WITH KY 1526 (JOHN HARPER HIGHWAY) AND CR 1512A (JEFFIE LANE)	PL DN RW UT CN	SPP			1,045,000
Project Cost:							0	0	1,045,000
BULLITT	80103	KY-44	RECONSTRUCTION(O)	RECONSTRUCT KY 44 FROM BOGARD LANE TO ARMSTRONG LANE	PL DN RW UT CN	SPP		2,300,000	
Project Cost:							0	2,300,000	0
Total for BULLITT county					PL DN RW UT CN		500,000	250,000 4,800,000 100,000 545,000 9,718,000	1,045,000 24,220,000
Total Amounts:							500,000	15,413,000	25,265,000
Butler	125.15	KY-269	FERRY OPERATION(P)	OPERATION OF REED'S FERRY AT LOGANSPO RT FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP		158,400	
Project Cost:							0	158,400	0
Butler	125.1501	KY-269	FERRY OPERATION(P)	OPERATION OF REED'S FERRY AT LOGANSPO RT FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP			158,400
Project Cost:							0	0	158,400

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Butler	2042.3	WN-9007	I-CHANGE RECONST(O)	I-65 SPUR CORRIDOR: IMPROVE THE NATCHER PARKWAY/US-231 INTERCHANGE (EXIT 36). (2016BOP)	PL DN RW UT CN	FED		3,500,000	
Project Cost:							0	3,500,000	0
Butler	2042.3001	WN-9007	I-CHANGE RECONST(O)	I-65 SPUR CORRIDOR: IMPROVE THE NATCHER PARKWAY/US-231 INTERCHANGE (EXIT 36). (2016BOP)	PL DN RW UT CN	FED			3,500,000
Project Cost:							0	0	3,500,000
Butler	8504.1	KY-369	FERRY OPERATION(P)	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP		158,400	
Project Cost:							0	158,400	0
Butler	8504.1001	KY-369	FERRY OPERATION(P)	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP			158,400
Project Cost:							0	0	158,400
BUTLER	20008	WN-9007	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WILLIAM H. NATCHER PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 21.78 TO MILEPOINT 28.5 (26.42 NON-CARDINAL)	PL DN RW UT CN	PM		540,000	
Project Cost:							0	540,000	5,400,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for BUTLER county					PL				
					DN			540,000	
					RW				
					UT				
					CN			3,816,800	9,216,800
					Total Amounts:		0	4,356,800	9,216,800
Caldwell	20004	I-69	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-69 BOTH DIRECTION(S) FROM MILEPOINT 82.934 TO MILEPOINT 86.344.	PL				
					DN	PM		400,000	
					RW				
					UT				
					CN	PM		4,000,000	
					Project Cost:		0	4,400,000	0
Total for Caldwell county					PL				
					DN			400,000	
					RW				
					UT				
					CN			4,000,000	
					Total Amounts:		0	4,400,000	0
Calloway	314.2	US-641	MAJOR WIDENING(O)	IMPROVE US-641 FROM THE TENNESSEE STATE LINE TO MURRAY PRIORITY SECTION 2; FROM TENN. STATE LINE TO CLARKS RIVER BRIDGE. (SEE 1-8852.00)	PL				
					DN				
					RW				
					UT	FED	2,450,000		
					CN	FED		19,500,000	
					Project Cost:		2,450,000	19,500,000	0
CALLOWAY	8952	CS-1047	SPOT IMPROVEMENTS(O)	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121	PL				
					DN	SPP		420,000	
					RW	SPP			2,210,000
					UT				
					CN				
					Project Cost:		0	420,000	2,210,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2020	FY 2021	FY 2022				
Calloway	20001	KY-1327	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT.	PL								
					DN	PM	175,000						
					RW								
					UT								
					CN	PM	1,750,000						
					Project Cost:		1,925,000	0	0				
					PL								
					DN		175,000	420,000					
					RW				2,210,000				
CAMPBELL	352	KY-536	NEW ROUTE(O)	EXTEND PROPOSED POND CREEK ROAD FROM US-27 TO AA HIGHWAY VIA PORTION OF KY 10/KY 1997 CORRIDOR (NEW KY-536)(04CCN) (12CCR)(14CCR)	UT		2,450,000						
					CN		1,750,000	19,500,000					
					Total Amounts:		4,375,000	19,920,000	2,210,000				
					PL								
					DN	SPP			1,500,000				
					RW								
					UT								
					CN								
					Project Cost:		0	0	1,500,000				
Campbell	448	KY-9	CONGESTION MITIGTN(O)	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-275 INTERCHANGE WITH KY-9 (AA HWY.)	PL	FED			700,000				
					DN								
					RW								
					UT								
					CN								
					Project Cost:		0	0	700,000				
Campbell	1085	KY-8	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER TWELVEMILE CREEK ON KY 8 0.1 MI N OF NEISES ROAD (CR 1009). (019B00003N)	PL								
					DN								
					RW								
					UT								
					CN	BR	1,980,000						
					Project Cost:		1,980,000	0	0				

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
CAMPBELL	8105.06	I-275	RECONSTRUCTION(O)	TRANSPORTATION IMPROVEMENTS TO AA I 275; CONSTRUCT A NEW CONNECTOR RD FROM THE KY 9 TO THE END OF NEW CONSTRUCTION JUST SOUTH OF JOHN'S HILL RD	PL DN RW UT CN	FED			1,000,000
					Project Cost:		0	0	1,000,000
Campbell	10007	US-27	AM-BRIDGE (P)	SAFETY CABLE REPAIR AND PREVENTIVE MAINTENANCE ON TAYLOR SOUTHGATE BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (019B00076N)(BSBP)	PL DN RW UT CN	BR	250,000		
					Project Cost:		250,000	0	0
Total for Campbell county					PL DN RW UT CN		2,230,000		700,000 2,500,000
					Total Amounts:		2,230,000	0	3,200,000
Carter	62	I-64	CONGESTION MITIGTN(O)	IMPROVE MOBILITY AND REDUCE CONGESTION AT THE KY 1/I-64 WESTBOUND OFF-RAMP INTERSECTION.	PL DN RW UT CN	FED FED FED FED	80,000	80,000 80,000	500,000
					Project Cost:		80,000	160,000	500,000
Carter	144	KY-7	MAJOR WIDENING(O)	IMPROVE KY-7/KY-1 (CAROL MALONE BLVD.) FROM LITTLE SANDY RIVER BRIDGE TO ACADEMIC PARKWAY. (08CCR)(12CCR)(16CCR)	PL DN RW UT CN	FED			3,500,000
					Project Cost:		0	0	3,500,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Carter	4307	US-60	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-60 IN CARTER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			66,000
				Project Cost:			0	0	66,000
Carter	4329	KY-504	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-504 IN CARTER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		48,000	
				Project Cost:			0	48,000	0
Carter	4335	KY-174	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-174 IN CARTER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		22,000	
				Project Cost:			0	22,000	0
Carter	8311	KY-1	SAFETY(P)	IMPROVE SAFETY AT THE EAST CARTER HIGH SCHOOL. (06CCN)(08CCR)(12CCR)	PL				
					DN				
					RW	FED		650,000	
					UT	FED		450,000	
					CN				
				Project Cost:			0	1,100,000	0
Total for Carter county					PL				
					DN		80,000		
					RW			730,000	
					UT			530,000	
					CN			70,000	4,066,000
Total Amounts:							80,000	1,330,000	4,066,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Casey	8703	KY-70	RECONSTRUCTION(O)	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN)(16CCR)(18CCN)	PL				
					DN	FED			1,560,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	1,560,000
Casey	8704	KY-49	RECONSTRUCTION(O)	RECONSTRUCT BRUSHY CREEK HILL FROM MP 1.8 TO MP 2.8.(12CCN)(16CCR)(18CCN)	PL				
					DN	FED			1,250,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	1,250,000
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	SPP	520,000		
					RW	SPP		80,000	
					UT	SPP		250,000	
					CN	SPP			900,000
				Project Cost:			520,000	330,000	900,000
Total for CASEY county					PL				
					DN		520,000		2,810,000
					RW			80,000	
					UT			250,000	
					CN				900,000
				Total Amounts:			520,000	330,000	3,710,000
Christian	180.2	KY-911	MAJOR WIDENING(O)	WIDEN KY 911 TO A 3 LANE FROM THE DEPARTMENT OF DEFENSE RAILROAD TO KY 115.(SECTION 2)(D,R,U UNDER 2-180)(2018BOP)	PL				
					DN				
					RW				
					UT				
					CN	FED			5,910,000
				Project Cost:			0	0	5,910,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Christian	227	KY-1007	RECONSTRUCTION(O)	RECONSTRUCT KY 1007 FROM LITTLE RIVER BRIDGE TO SANDERSON ROAD INCLUDING A NEW CONNECTOR FROM SANDERSON ROAD TO THE KY 1682 BYPASS	PL DN RW UT CN	FED		3,540,000	
Project Cost:							0	3,540,000	0
Christian	381	CO-0	NEW ROUTE(O)	CONSTRUCT NEW CONNECTOR FROM US 41 NEAR THE INDUSTRIAL PARK TO KY 115 SOUTH OF PEMBROKE. (16CCR)(18CCN)	PL DN RW UT CN	FED FED FED	500,000		450,000 790,000
Project Cost:							500,000	0	1,240,000
Christian	898	EB-9004	RECONSTRUCTION(O)	RECONSTRUCT THE BREATHITT PARKWAY INTERCHANGE AT KY 1682 NORTH OF HOPKINSVILLE USING DESIGN BUILD. (BREATHITT PARKWAY/FUTURE INTERSTATE SPUR PROJECT) (16CCR)(18CCN)	PL DN RW UT CN	FED FED FED		250,000 1,000,000	1,000,000
Project Cost:							0	1,250,000	1,000,000
Christian	899	US-68	RECONSTRUCTION(O)	ADDRESS CONGESTION AND MOBILITY OF US 68 FROM KY 91 TO KY 1007 IN HOPKINSVILLE. (18CCN)	PL DN RW UT CN	FED FED		1,840,000	4,050,000
Project Cost:							0	1,840,000	4,050,000
Christian	8703	KY-107	MINOR WIDENING(O)	IMPROVE KY-107 FROM THE BYPASS TO KY-380.(12CCN)(14CCR)	PL DN RW UT CN	FED			1,110,000
Project Cost:							0	0	1,110,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Christian	8953	KY-115	MINOR WIDENING(O)	IMPROVE AND WIDEN KY 115 FROM ANDERSON ROAD (MP 6.87) TO JUST SOUTH OF PEMBROKE (MP 9.625)(16CCN)(18CCN)	PL DN RW UT CN	FED		1,040,000	
Project Cost:							0	1,040,000	0
Christian	20010	I-24	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-24 CARDINAL DIRECTION(S) FROM MILEPOINT 69.83 TO MILEPOINT 76.142.	PL DN RW UT CN	PM			325,000
Project Cost:							0	0	325,000
Christian	20012	I-24	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-24 CARDINAL DIRECTION(S) FROM MILEPOINT 76.142 TO MILEPOINT 85.563.	PL DN RW UT CN	PM		475,000	
Project Cost:							0	475,000	4,750,000
Christian	80000	KY-115	RESURFACING(P)	RESURFACING ON KY 115 FROM CARNEAL LANE TO US 41. (18CCN)	PL DN RW UT CN	PM	803,000		
Project Cost:							803,000	0	0
CHRISTIAN	80103	I-24	LIGHTING(P)	ADDRESS SAFETY ISSUES BY INSTALLING INTERCHANGE LIGHTING	PL DN RW UT CN	SPP			700,000
Project Cost:							0	0	700,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for CHRISTIAN county					PL				
					DN		500,000	1,765,000	325,000
					RW			2,840,000	1,560,000
					UT			3,540,000	5,840,000
					CN		803,000		11,360,000
				Total Amounts:			1,303,000	8,145,000	19,085,000
Clark	20004	I-64	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-64 BOTH	PL				
				DIRECTION(S) FROM MILEPOINT 89.48 TO	DN	PM		630,000	
				MILEPOINT 94.7.	RW				
					UT				
					CN	PM			3,000,000
				Project Cost:			0	630,000	3,000,000
Clark	20007	KY-9000	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF BERT T.	PL				
				COMBS MOUNTAIN PARKWAY BOTH	DN	PM		65,000	
				DIRECTION(S) FROM MILEPOINT 9.45 (5.311	RW				
				NON-CARDINAL) TO MILEPOINT 11.913	UT				
					CN	PM		650,000	
				Project Cost:			0	715,000	0
CLARK	80100	KY-627	CONGESTION MITIGTN(O)	ADD A LEFT TURN LANE BY THE ENTRANCE OF	PL				
				1520 BOONESBORO RD.	DN	SPP		20,000	
					RW	SPP		10,000	
					UT	SPP		60,000	
					CN	SPP			85,000
				Project Cost:			0	90,000	85,000
CLARK	80153		CONGESTION MITIGTN(O)	NEW ROUTE, EXTEND 7TH ST ACROSS	PL				
				RAILROAD TO CONNECT WITH OLD PARIS PIKE	DN	FED		100,000	
				ROADBED WHERE KY 627 INTERSECTS WITH KY	RW	FED		550,000	
				1958	UT	FED			300,000
					CN				
				Project Cost:			0	650,000	300,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for CLARK county					PL				
					DN			815,000	
					RW			560,000	
					UT			60,000	300,000
					CN			650,000	3,085,000
Total Amounts:							0	2,085,000	3,385,000
Clay	8003	US-421	MINOR WIDENING(O)	IMPROVE US-421/KY-80 FROM KY-80 SOUTH TO KY-149 (LOCKARTS CREEK ROAD). (00CCN) (10CCR)(12CCR)(18CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP		18,000,000	
					Project Cost:		0	18,000,000	0
Clay	8856	KY-66	RECONSTRUCTION(O)	IMPROVE GEOMETRICS ON THE S-CURVE FROM NORTHEAST OF KY-3135 (COLLEGE STREET) TO NORTHEAST OF PR-1006 (MULBERRY STREET).(14CCN)(18CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED		405,000	
					Project Cost:		0	405,000	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)(18CCN)	PL				
					DN				
					RW	SPP	250,000		
					UT	SPP	650,000		
					CN	SPP		2,000,000	
					Project Cost:		900,000	2,000,000	0
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)(18CCN)	PL				
					DN				
					RW				
					UT	SPP		445,000	
					CN	SPP		6,600,000	
					Project Cost:		0	7,045,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Clay	20002	HR-9006	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF HAL ROGERS DANIEL BOONE PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 15.958 TO MILEPOINT 19.527	PL DN RW UT CN	PM    PM		150,000    1,500,000	
Project Cost:							0	1,650,000	0
Total for Clay county					PL DN RW UT CN			150,000  250,000 650,000 28,505,000	
Total Amounts:							900,000	29,100,000	0
Clinton	4309	KY-553	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-553 IN CLINTON COUNTY	PL DN RW UT CN	    GR			15,000
Project Cost:							0	0	15,000
Clinton	8601.26	US-127	RELOCATION(O)	RELOCATE US-127 FROM NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION, AND EXTENDING NORTHERLY TO EAST OF KY-1730 AND MANTOWN INTERSECTION. (SEE 8-108 & 8-115 FOR PE&ENV)(12CCR)(14CCR)	PL DN RW UT CN	    FED		51,300,000	
Project Cost:							0	51,300,000	0
Clinton	8601.3	US-127	RELOCATION(O)	RELOCATION OF US-127 FROM EAST OF THE AARON RIDGE RD AND OLD US-127 INTERSECTION, EXTENDING NORTHERLY TO NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION. (SEE 8-108 AND 8-115 FOR	PL DN RW UT CN	 FED FED FED  		1,600,000	2,370,000 730,000
Project Cost:							0	1,600,000	3,100,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Clinton county					PL				
					DN			1,600,000	
					RW				2,370,000
					UT				730,000
					CN			51,300,000	15,000
				Total Amounts:			0	52,900,000	3,115,000
Crittenden	326.17	KY-91	FERRY OPERATION(P)	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP		464,300	
				Project Cost:			0	464,300	0
Crittenden	326.1701	KY-91	FERRY OPERATION(P)	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2020.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP			464,300
				Project Cost:			0	0	464,300
CRITTENDEN	80101	US-60	CONGESTION MITIGTN(O)	ADD A LEFT TURN LANE ON GUM ST. BY THE ENTRANCE OF THE MIDDLE SCHOOL AND HIGH SCHOOL	PL				
					DN	SPP		100,000	
					RW				
					UT				
					CN	SPP			500,000
				Project Cost:			0	100,000	500,000
CRITTENDEN	80102		RECONSTRUCTION(O)	ADDRESS DEFICIENCIES ON THE COTTON PATCH RD BRIDGE	PL				
					DN				
					RW				
					UT				
					CN	SPP			850,000
				Project Cost:			0	0	850,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for CRITTENDEN county					PL				
					DN			100,000	
					RW				
					UT				
					CN			464,300	1,814,300
				Total Amounts:			0	564,300	1,814,300
Daviess	229	KY-298	SAFETY(P)	RECONSTRUCT INTERSECTION AT FAIRVIEW DRIVE (KY 3143) AND KY 298. (12CCR) (16CCR) (18CCN)	PL				
					DN				
					RW	FED		670,000	
					UT	FED		1,090,000	
					CN	FED			2,170,000
				Project Cost:			0	1,760,000	2,170,000
Daviess	4317	KY-144	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-144 IN DAVIESS COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		43,000	
				Project Cost:			0	43,000	0
DAVIESS	8300	KY-54	MAJOR WIDENING(O)	IMPROVE KY-54 FROM WEST OF THE US-60 BYPASS TO CR-1021 (JACK HINTON ROAD). (06CCN)(10CCR)(12CCR)(14CCR)(16CCR)	PL				
					DN				
					RW				
					UT	FED		5,750,000	
					CN	FED			4,000,000
				Project Cost:			0	5,750,000	4,000,000
Daviess	8813	CR-1053	AM-BRIDGE (P)	GRAVES LANE BRIDGE REPLACEMENT-0.2 MI E JCT KY 405 (MM 1.005-1.009) OVER ALLGOOD DITCH. (14CCN) 030C00016N	PL				
					DN				
					RW				
					UT				
					CN	BR	350,000		
				Project Cost:			350,000	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Daviess	8854	KY-3143	MINOR WIDENING(O)	IMPROVE KY-3143 FROM KY-3335 TO KY 54. (14CCN)	PL DN RW UT CN	FED FED		820,000	3,160,000
Project Cost:							0	820,000	3,160,000
Daviess	10020	KY-2262	AM-BRIDGE (P)	ADDRESS DEFICIENCIES WITH GLOVER CARY BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (030B00118N)(BSBP)	PL DN RW UT CN	BR BR		200,000	2,000,000
Project Cost:							0	200,000	2,000,000
Daviess	10021	US-231	AM-BRIDGE (P)	ADDRESS DEFICIENCIES WITH NATCHER BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (030B00164N)(BSBP)	PL DN RW UT CN	BR BR		175,000	2,500,000
Project Cost:							0	175,000	2,500,000
Daviess	20017	KY-81	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			250,000
Project Cost:							0	0	250,000
Daviess	20018	KY-331	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC & AC PAVEMENT	PL DN RW UT CN	PM PM		50,000	500,000
Project Cost:							0	550,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Daviess	20019	KY-2155	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL				
					DN	PM		150,000	
					RW				
					UT				
					CN	PM		1,500,000	
				Project Cost:			0	1,650,000	0
DAVIESS	80104	I-69	RECONSTRUCTION(O)	EXTEND I-69 TO KY 351 AND AUTOBAHN PARKWAY INTERCHANGE UPGRADE AT HEBBARDSVILLE	PL	SPP		250,000	
					DN				
					RW				
					UT				
					CN				
				Project Cost:			0	250,000	0
DAVIESS	80150	KY-144	AIR QUALITY(P)	ADDRESS SAFETY, CONGESTION AND MOBILITY ISSUES ON KY 144 FROM MP 2.5 TO MP 3.75 INCLUDING 12 FOOT DRIVING LANES AND TURNING LANES WHERE NEEDED.	PL				
					DN	FED		600,000	
					RW	FED			1,400,000
					UT				
					CN				
				Project Cost:			0	600,000	1,400,000
Total for DAVIESS county					PL			250,000	
					DN			1,995,000	250,000
					RW			670,000	4,560,000
					UT			6,840,000	
					CN		350,000	2,043,000	10,670,000
				Total Amounts:			350,000	11,798,000	15,480,000
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)(18CCN)	PL				
					DN				
					RW	FED		2,170,000	
					UT	FED		1,930,000	
					CN				
				Project Cost:			0	4,100,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Edmonson	20012	I-65	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-065 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 43.6 TO MILEPOINT 45.935.	PL DN RW UT CN	PM		100,000	
					Project Cost:		0	100,000	1,000,000
Edmonson	20022	US-31	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON US-31W FROM MILEPOINT 0.00 TO MILEPOINT 8.00	PL DN RW UT CN	PM		140,000	
					Project Cost:		0	140,000	1,400,000
EDMONSON	80107	KY-259	SAFETY(P)	IMPROVE SAFETY AND MOBILITY ON KY 259 FROM NORTH OF KYROCK ROAD TO THE GRAYSON COUNTY LINE.	PL DN RW UT CN	SPP		270,000	
					Project Cost:		0	270,000	570,000
Total for EDMONSON county					PL DN RW UT CN			510,000 2,170,000 1,930,000	289,000 281,000
					Total Amounts:		0	4,610,000	2,970,000
Elliott	192.01	KY-32	RECONSTRUCTION(O)	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR)(12CCR)(14CCR)(16CCR) (18CCR)	PL DN RW UT CN	FED			3,900,000
					Project Cost:		0	0	3,900,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Elliott	228.3	KY-7	RECONSTRUCTION(O)	3-LANE CURB AND GUTTER IN THE VICINITY OF ELLIOT COUNTY SCHOOLS IN SANDY HOOK.	PL				
					DN	FED	150,000		
					RW	FED		750,000	
					UT	FED			1,000,000
					CN				
					Project Cost:		150,000	750,000	1,000,000
Elliott	8802	KY-32	MAJOR WIDENING(O)	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN)(16CCR)(18CCN)	PL				
					DN	FED	400,000		
					RW	FED		480,000	
					UT	FED			320,000
					CN				
					Project Cost:		400,000	480,000	320,000
Total for Elliott county					PL				
					DN		550,000		
					RW			1,230,000	3,900,000
					UT				1,320,000
					CN				
					Total Amounts:		550,000	1,230,000	5,220,000
Estill	4311	KY-1571	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1571 IN ESTILL COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		93,000	
					Project Cost:		0	93,000	0
Total for Estill county					PL				
					DN				
					RW				
					UT				
					CN			93,000	
					Total Amounts:		0	93,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Fayette	113.02	KY-4	MAJOR WIDENING(O)	IMPROVE NEW CIRCLE ROAD FROM LEESTOWN ROAD TO NEAR GEORGETOWN ROAD. (12CCR) (14CCR)(18CCR)	PL DN RW UT CN	FED		2,000,000	
Project Cost:							0	2,000,000	0
Fayette	227.09	CO-0	MATCHED FED FUNDS(O)	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX		756,000	
Project Cost:							0	756,000	0
Fayette	227.0901	CO-0	MATCHED FED FUNDS(O)	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLX			756,000
Project Cost:							0	0	756,000
Fayette	227.14	CO-0	MATCHED FED FUNDS(O)	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	8,384,000		
Project Cost:							8,384,000	0	0
Fayette	227.1401	CO-0	MATCHED FED FUNDS(O)	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		8,384,000	
Project Cost:							0	8,384,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Fayette	227.1402	CO-0	MATCHED FED FUNDS(O)	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP)	PL DN RW UT CN	SLX			8,384,000
				Project Cost:			0	0	8,384,000
Fayette	252	KY-922	MAJOR WIDENING(O)	IMPROVE NEWTOWN PIKE FROM KY-4 TO I-75. (16CCR)(18CCR)	PL DN RW UT CN	FED FED		4,400,000	5,930,000
				Project Cost:			0	4,400,000	5,930,000
Fayette	357.17	KY-169	FERRY OPERATION(P)	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)(18CCR)	PL DN RW UT CN	SPP		332,900	
				Project Cost:			0	332,900	0
Fayette	357.1701	KY-169	FERRY OPERATION(P)	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2020.(12CCR)(18CCR)	PL DN RW UT CN	SPP			332,900
				Project Cost:			0	0	332,900
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)(16CCR)(18CCN)	PL DN RW UT CN	FED			2,960,000
				Project Cost:			0	0	2,960,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Fayette	8340	US-60	SCOPING STUDY(O)	SCOPING STUDY TO RECONSTRUCT/WIDEN US-60/WINCHESTER ROAD TO FOUR LANES. (06CCN)(12CCR)(18CCN)	PL DN RW UT CN	SPP		260,000	
Project Cost:							0	260,000	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)(18CCN)	PL DN RW UT CN	SPP	4,600,000		
Project Cost:							4,600,000	0	0
Fayette	8902	KY-1927	MAJOR WIDENING(O)	IMPROVE LIBERTY ROAD FROM GRAFTONS MILL LANE TO NEW CIRCLE ROAD AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD. (16CCN)(18CCR)	PL DN RW UT CN	FED			4,300,000
Project Cost:							0	0	4,300,000
Fayette	8909	I-75	MAJOR WIDENING(O)	REDUCE CONGESTION ON I-64/I-75 FROM THE C&O RAILROAD BRIDGE TO THE NORTHERN SPLIT (SECTION 1). (16CCN)(18CCR)	PL DN RW UT CN	FED FED FED		750,000	
Project Cost:							0	750,000	2,000,000
Fayette	20010	I-64	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-064 BOTH DIRECTION(S) FROM MILEPOINT 81.037 TO MILEPOINT 82.19	PL DN RW UT CN	PM PM		175,000	
Project Cost:							0	1,750,000	0
								1,925,000	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Fayette	20011	I-64	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 82.19 TO MILEPOINT 89.48. (18CCR)	PL DN RW UT CN	PM		870,000	
					Project Cost:		0	870,000	4,000,000
Fayette	20013	I-75	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 107.453 TO MILEPOINT 110.213	PL DN RW UT CN	PM		540,000	
					Project Cost:		0	5,400,000	0
FAYETTE	80112	US-27	SAFETY(P)	CONSTRUCT A RIGHT TURN LANE HEADED WESTBOUND ON VIRGINIA AVE FROM US 27 AND CONSTRUCT A BUS TURNOUT SOUTH OF VIRGINIA AVE	PL DN RW UT CN	SPP			163,000
					Project Cost:		0	0	163,000
FAYETTE	80150	US-60	MINOR WIDENING(O)	ADDRESS CONGESTION AND IMPROVE SAFETY ON US 60 FROM MP 12.41 TO 16.37 BY WIDENING AND MODERNIZING US 60 FROM THE END OF THE FOUR-LANE SECTION NEAR POLO CLUB BLVD TO KY 859 (HALEY RD).	PL DN RW UT CN	FED			1,622,000
					Project Cost:		0	0	1,622,000
FAYETTE	80154	KY-4	AIR QUALITY(P)	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON THE NORTHBOUND SIDE OF KY 4 FROM MP 4.8 TO MP 5.2	PL DN RW UT CN	SPP			730,000
					Project Cost:		0	0	730,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for FAYETTE county					PL			260,000	
					DN			2,335,000	1,622,000
					RW			6,400,000	8,260,000
					UT				6,930,000
					CN		12,984,000	16,622,900	14,365,900
				Total Amounts:			12,984,000	25,617,900	31,177,900
Fleming	4305	KY-111	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-111 IN FLEMING COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			64,000
				Project Cost:			0	0	64,000
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	BR		650,000	
				Project Cost:			0	650,000	0
FLEMING	8903	KY-32	SAFETY(P)	SAFETY IMPROVEMENTS AND PAVEMENT REHAB EAST OF FLEMINGSBURG BYPASS TO KY 156.	PL				
					DN	SPP		500,000	
					RW	SPP			2,000,000
					UT	SPP			2,500,000
					CN				
				Project Cost:			0	500,000	4,500,000
Fleming	80051	KY-32	SAFETY(P)	IMPROVE SAFETY AND SIGHT DISTANCE ON KY-32 BEGINNING AT 0.4 MILES WEST OF FLEMING/ROWAN CO LINE AND ENDING 0.3 MILES EAST OF THE LINE.(18CCN)	PL	FED		50,000	
					DN	FED			840,000
					RW				
					UT				
					CN				
				Project Cost:			0	50,000	840,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Fleming county					PL			50,000	
					DN			500,000	840,000
					RW				2,000,000
					UT				2,500,000
					CN			650,000	64,000
				Total Amounts:			0	1,200,000	5,404,000
Floyd	195	KY-979	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL.(12CCR)(16CCR)	PL				
					DN				
					RW	SPP		2,500,000	
					UT	SPP		2,000,000	
					CN				
				Project Cost:			0	4,500,000	0
Floyd	301.2	PF-9999	NEW ROUTE(O)	IMPROVE THE MINNIE-HAROLD CONNECTOR FROM LITTLE MUD CREEK RD TO THE MOUTH OF TACKETT CREEK (ALT.3B SEC.2)(08CCN)(10CCR)(12CCR)(14CCR)(18CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP			35,000,000
				Project Cost:			0	0	35,000,000
Floyd	1119	KY-2557	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER LEVISA FORK ON KY 2557 AT JCT US 23 IN JUSTELL. (036B00040N)	PL				
					DN	BR			60,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	60,000
Floyd	4472	KY-1498	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1498 IN FLOYD COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		12,000	
				Project Cost:			0	12,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Floyd	4473	KY-1498	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1498 IN FLOYD COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		66,000	
				Project Cost:			0	66,000	0
Floyd	4474	KY-777	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-777 IN FLOYD COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		84,000	
				Project Cost:			0	84,000	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)(18CCN)	PL				
					DN				
					RW				
					UT				
					CN	SPP			4,390,000
				Project Cost:			0	0	4,390,000
Floyd	80000	US-23	SAFETY(P)	CONSTRUCT NEW INTERSECTION ON US-23 AT THE ENTRANCE TO BETSY LANE HIGH SCHOOL(18CCN)	PL				
					DN	FED	250,000		
					RW	FED		400,000	
					UT	FED		350,000	
					CN	FED			1,650,000
				Project Cost:			250,000	750,000	1,650,000
Total for Floyd county					PL				
					DN		250,000		60,000
					RW			2,900,000	
					UT			2,350,000	
					CN			162,000	41,040,000
				Total Amounts:			250,000	5,412,000	41,100,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Franklin	187	US-60	SAFTEY	CONSTRUCT ADDITIONAL LEFT-TURN LANE STORAGE ALONG US 60 FOR LEFT TURNS ONTO I-64 EB AND I-64 WB RAMPS.	PL DN RW UT CN	FED    FED		250,000	1,750,000
					Project Cost:		0	250,000	1,750,000
Franklin	1029	I-64	Bridge (P)	ADDRESS DEFICIENCIES WITH I-64 BRIDGE, 1.5 MI EAST OF SHELBY COUNTY LINE (037B00055L&R)	PL DN RW UT CN	BR		4,200,000	
					Project Cost:		0	4,200,000	0
Franklin	1036	I-64	Bridge (P)	ADDRESS DEFICIENCIES WITH I-64 BRIDGE, 3.5 MI EAST OF SHELBY COUNTY LINE (037B00056L&R)	PL DN RW UT CN	BR		4,100,000	
					Project Cost:		0	4,100,000	0
Franklin	1040	I-64	Bridge (P)	ADDRESS DEFICIENCIES WITH I-64 BRIDGE, 1.5 MI W OF US 127 NTR ( 037B00057L&R)	PL DN RW UT CN	BR		4,100,000	
					Project Cost:		0	4,100,000	0
Franklin	1089	I-64	Bridge (P)	ADDRESS DEFICIENCIES WITH I-64 BRIDGE, 1.5 MI EAST OF KY 151 NTR (037B00060L&R)	PL DN RW UT CN	BR		5,500,000	
					Project Cost:		0	5,500,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Franklin	1090	I-64	Bridge (P)	ADDRESS DEFICIENCIES WITH BRIDGE ON I 64, 1.6 MI W OF US 127 NTR (037B00061N )	PL DN RW UT CN	BR		3,000,000	
				Project Cost:			0	3,000,000	0
FRANKLIN	3027	US-127	TRANSP ENHANCEMENT(P)	CONSTRUCT 1.4 MILE PED/BICYCLE TRAIL ALONG WILKINSON BLVD ALONG THE KY RIVER FROM RIVERVIEW PK TO FAIR OAKS LN IN FRANKFORT	PL DN RW UT CN	SPP			262,500
				Project Cost:			0	0	262,500
FRANKLIN	3203	US-127	TRANSP ENHANCEMENT(P)	CONSTRUCT 5,000 FEET OF BIKE/PED TRAIL BEGINNING AT WEST CLINTON ST, FOLLOWING THE OLD PINSLEY RAILROAD BD, THROUGH KSU CAMPUS, AND ENDING AT EAST MAIN ST. IN FRANKFORT	PL DN RW UT CN	SPP			204,600
				Project Cost:			0	0	204,600
FRANKLIN	80105	KY-676	CONGESTION MITIGTN(O)	ADD A TURN LANE AT THE INTERSECTION OF KY 676 AND US 60	PL DN RW UT CN	SPP SPP SPP		160,000	150,000 100,000
				Project Cost:			0	160,000	250,000
Total for FRANKLIN county					PL DN RW UT CN			410,000	150,000 100,000
							0	20,900,000	2,217,100
					Total Amounts:		0	21,310,000	2,467,100

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Fulton	25	JC-9003	RECONSTRUCTION(O)	IMPROVE THE PURCHASE PARKWAY AT THE KENTUCKY/TENNESSEE LINE TO SOUTHWEST OF THE US-51 INTERCHANGE.(I-69 CORRIDOR IMPROVEMENT)(2012BOP)	PL DN RW UT CN	FED			2,000,000
Project Cost:							0	0	2,000,000
Fulton	26	JC-9003	RECONSTRUCTION(O)	IMPROVE THE PURCHASE PARKWAY FROM SOUTHWEST OF THE US-51 INTERCHANGE TO CARDINAL ROAD NEAR MAYFIELD INCLUDING THE KY-339 INTERCHANGE IN WINGO, KY. (I-69 CORRIDOR IMPROVEMENT) (2012BOP)	PL DN RW UT CN	FED FED		830,000 500,000	
Project Cost:							0	1,330,000	0
Fulton	320.17	KY-1354	FERRY OPERATION(P)	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP		144,000	
Project Cost:							0	144,000	0
Fulton	320.1701	KY-1354	FERRY OPERATION(P)	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2020.(12CCR)	PL DN RW UT CN	SPP			144,000
Project Cost:							0	0	144,000
Fulton	8853	KY-1099	SAFETY(P)	SAFETY IMPROVEMENT AT INTERSECTION OF KY-1099 AND KY-125. (14CCN)(18CCN)	PL DN RW UT CN	FED FED		610,000 880,000	
Project Cost:							0	1,490,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Fulton county					PL				
					DN				2,000,000
					RW			1,440,000	
					UT			1,380,000	
					CN			144,000	144,000
				Total Amounts:			0	2,964,000	2,144,000
Gallatin	8910	I-71	RECONSTRUCTION(O)	IMPROVE GEOMETRICS ON I-71 FROM US-127 TO MP 64. (16CCN)(18CCR)	PL				
					DN	FED			1,200,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	1,200,000
Gallatin	20021	I-71	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-071 BOTH DIRECTION(S) FROM MILEPOINT 53.433 TO MILEPOINT 56.763	PL				
					DN	PM		500,000	
					RW				
					UT				
					CN	PM			5,000,000
				Project Cost:			0	500,000	5,000,000
Gallatin	20022	I-71	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-071 BOTH DIRECTION(S) FROM MILEPOINT 59.673 TO MILEPOINT 69.89	PL				
					DN	PM		1,025,000	
					RW				
					UT				
					CN	PM			5,000,000
				Project Cost:			0	1,025,000	5,000,000
Total for Gallatin county					PL				
					DN			1,525,000	1,200,000
					RW				
					UT				
					CN				10,000,000
				Total Amounts:			0	1,525,000	11,200,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
GARRARD	196.2	US-27	RELOCATION(O)	CONSTRUCT WEST LANCASTER BYPASS.	PL				
					DN	FED		1,500,000	
					RW	FED			4,750,000
					UT				
					CN				
				Project Cost:			0	1,500,000	4,750,000
Garrard	196.3	US-27	RELOCATION(O)	IMPROVE US-27 FROM WEST LANCASTER BYPASS TO KY-34. (2006BOPC) (16CCN) (18CCR)	PL				
					DN	FED		1,900,000	
					RW	FED			5,730,000
					UT				
					CN				
				Project Cost:			0	1,900,000	5,730,000
Total for Garrard county					PL				
					DN			3,400,000	
					RW				10,480,000
					UT				
					CN				
				Total Amounts:			0	3,400,000	10,480,000
Grant	4314	KY-36	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-36 IN GRANT COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		22,000	
				Project Cost:			0	22,000	0
Grant	4315	KY-467	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-467 IN GRANT COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		17,000	
				Project Cost:			0	17,000	0



## 1009

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2020	FY 2021	FY 2022
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 UT CN	BR		2,750,000	
					Project Cost:		0	2,750,000	0
Grant	10001	KY-22	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-22 BRIDGE OVER CLARKS CRK+BATON ROUGE R. (041B00011N)	PL DN RW UT CN	BR	50,000		
					Project Cost:		150,000	200,000	0
Grant	20028	I-75	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-075 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 164.4 TO MILEPOINT 166.263	PL DN RW UT CN	PM			125,000
					Project Cost:		0	0	125,000
Total for Grant county					PL DN RW UT CN		50,000		125,000
					Total Amounts:		150,000	2,789,000	
							200,000	2,789,000	125,000
Graves	10002	CR-1214	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF MARTIN ROAD BRIDGE OVER BRANCH-OBION CREEK. (042C00250N)	PL DN RW UT CN	BR		25,000	
					Project Cost:		0	25,000	50,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
GRAVES	80103	KY-303	MINOR WIDENING(O)	WIDEN KY 303 FROM MP 16.034 (EAST FARTHING ST) TO MP 16.807 (CHARLES DR)	PL DN RW UT CN	SPP			
					Project Cost:		0	0	850,000
Total for GRAVES county					PL DN RW UT CN			25,000	850,000
					Total Amounts:		0	25,000	900,000
Grayson	4308	US-62	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-62 IN GRAYSON COUNTY	PL DN RW UT CN	GR			
					Project Cost:		0	0	18,000
Grayson	4313	KY-259	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-259 IN GRAYSON COUNTY	PL DN RW UT CN	GR		15,000	
					Project Cost:		0	15,000	0
Grayson	4321	KY-79	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-79 IN GRAYSON COUNTY	PL DN RW UT CN	GR		78,000	
					Project Cost:		0	78,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Grayson	8502.1	US-62	MINOR WIDENING(O)	IMPROVE US 62 FROM LEITCHFIELD BYPASS (KY3155) TO JUST EAST OF BEEHIVE CURVE. CONSTRUCTION SEGMENT 1.	PL DN RW UT CN	FED		4,000,000	
					Project Cost:		0	4,000,000	0
Grayson	8502.2	US-62	MINOR WIDENING(O)	IMPROVE US 62 FROM JUST EAST OF BEEHIVE CURVE TO KY224. CONSTRUCTION SEGMENT 2.	PL DN RW UT CN	FED		2,000,000	
					Project Cost:		0	2,000,000	0
Grayson	8954	PF-9999	NEW ROUTE(O)	EXTEND THE WILLIAM THOMASON BYWAY (KY 3155) FROM THE SOUTHERN INTERSECTION AT KY 259 WESTERLY TO KY 54. (16CCN)(18CCN)	PL DN RW UT CN	FED FED		1,700,000	13,000,000
					Project Cost:		0	1,700,000	13,000,000
Grayson	20000	WK-9001	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 108.00 TO MILEPOINT 111.25 (110.50 NON-CARDINAL)	PL DN RW UT CN	PM PM		230,000 2,300,000	
					Project Cost:		0	2,530,000	0
Grayson	20001	WK-9001	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY CARDINAL DIRECTION(S) FROM MILEPOINT 111.25 TO MILEPOINT 112.48	PL DN RW UT CN	PM PM		100,000 1,000,000	
					Project Cost:		0	1,100,000	0

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Grayson	20002	WK-9001	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 112.4 TO MILEPOINT 114.8	PL DN RW UT CN	PM    PM		190,000	
Project Cost:							0	2,090,000	0
Total for Grayson county					PL DN RW UT CN			520,000	
Total Amounts:							0	13,513,000	13,018,000
Green	397.12	US-68	RECONSTRUCTION(O)	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG US 68 FROM 1600 FEET WEST OF SOUTH THURLOW RD (MP 9.682) EXTENDING TO THE RUSSELL CREEK BRIDGE (MP 10.775) (3-203.00 STUDY	PL DN RW UT CN	FED  FED FED		500,000 750,000	4,100,000
Project Cost:							0	1,250,000	4,100,000
Green	8712	KY-61	MAJOR WIDENING(O)	IMPROVE SAFETY AND MOBILITY ON KY-61 FROM PITMAN CREEK BRIDGE TO DOC WARD RD (CR 1314). (12CCN)(14CCR)(16CCR)	PL DN RW UT CN	FED FED		750,000	2,500,000
Project Cost:							0	750,000	2,500,000
GREEN	80102	US-68	SAFETY(P)	IMPROVE SAFETY AND PASSING OPPORTUNITITES ALONG US 68 FROM KY 61 IN GREEN COUNTY TO DAVIS ROAD IN TAYLOR COUNTY	PL DN RW UT CN	SPP		500,000	
Project Cost:							0	500,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for GREEN county					PL				
					DN			1,250,000	
					RW			500,000	2,500,000
					UT			750,000	
					CN				4,100,000
				Total Amounts:			0	2,500,000	6,600,000
Greenup	4332	KY-1	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1 IN GREENUP COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		12,000	
				Project Cost:			0	12,000	0
Greenup	8509	KY-207	NEW ROUTE(O)	IMPROVE KY-207 FROM THE INDUSTRIAL PARKWAY TO THE KY-693 INTERSECTION IN FLATWOODS.(08CCN)(16CCR)	PL				
					DN	FED		2,000,000	
					RW				
					UT				
					CN				
				Project Cost:			0	2,000,000	0
Total for Greenup county					PL				
					DN			2,000,000	
					RW				
					UT				
					CN			12,000	
				Total Amounts:			0	2,012,000	0
Hancock	226	US-60	MINOR WIDENING(O)	IMPROVE THE WESTBOUND LANES OF US-60 FROM KY-1957 TO 0.2 MILE WEST OF KY-6106. (12CCR)(14CCR)(18CCR)	PL				
					DN				
					RW	FED	90,000		
					UT	FED		960,000	
					CN	FED			4,000,000
				Project Cost:			90,000	960,000	4,000,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Hancock	4309	KY-69	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-69 IN HANCOCK COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		33,000	
				Project Cost:			0	33,000	0
Hancock	4318	KY-69	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-69 IN HANCOCK COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		17,000	
				Project Cost:			0	17,000	0
Total for Hancock county					PL				
					DN				
					RW		90,000		
					UT			960,000	
					CN			50,000	4,000,000
				Total Amounts:			90,000	1,010,000	4,000,000
Hardin	20.01	I-65	I-CHANGE RECONST(O)	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	FED			15,000,000
				Project Cost:			0	0	15,000,000
Hardin	153.01	KY-251	PHASE I DESIGN(O)	KY 251 IMPROVEMENTS FROM KY 3005 TO KY 434.	PL				
					DN				
					RW				
					UT	FED			4,200,000
					CN				
				Project Cost:			0	0	4,200,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Hardin	8801	KY-1357	SAFETY(P)	IMPROVE SAFETY, GEOMETRICS, DRAINAGE AND MAINTENANCE ISSUES ALONG KY-1357 (ST. JOHNS RD) FROM US-31W BYPASS TO KY-3005 (RING ROAD). (14CCN)	PL DN RW UT CN	FED		3,500,000	
Project Cost:							0	3,500,000	0
Hardin	20011	US-31	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION	PL DN RW UT CN	PM		550,000	
Project Cost:							0	550,000	2,000,000
Hardin	20016	WK-9001	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 120.93 (120.65 NON-CARDINAL) TO MILEPOINT 132.4 (130.95 NON-CARDINAL)	PL DN RW UT CN	PM			920,000
Project Cost:							0	0	920,000
Total for Hardin county					PL DN RW UT CN			550,000	920,000
Total Amounts:							0	3,500,000	4,200,000
									17,000,000
							0	4,050,000	22,120,000
Harlan	269.11	CO-0	MAJOR WIDENING(O)	HARLAN-VIRGINIA STATE LINE; RECONSTRUCT US 421 FROM END OF THE EXISTING 4-LANE SECTION TO THE VIRGINIA STATE LINE.	PL DN RW UT CN	FED			15,000,000
Project Cost:							0	0	15,000,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Harlan	1101	US-119	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER KY 160/MAIN ST IN HARLAN COUNTY, KY. 048B00126N	PL DN RW UT CN	BR	800,000	200,000 100,000 3,500,000	
Project Cost:							800,000	3,800,000	0
Harlan	1101.0001	US-119	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER KY 160/MAIN ST IN HARLAN COUNTY, KY. 048B00126N	PL DN RW UT CN	BR			4,000,000
Project Cost:							0	0	4,000,000
Harlan	4323	KY-3449	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-3449 IN HARLAN COUNTY	PL DN RW UT CN	GR			318,000
Project Cost:							0	0	318,000
Harlan	10013	KY-179	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-179 BRIDGE OVER FUGETT CREEK. (048B00097N)	PL DN RW UT CN	BR	160,000 10,000 10,000 470,000		
Project Cost:							650,000	0	0
Harlan	10015	KY-2007	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-2007 BRIDGE OVER WALLINS CREEK. (048B00179N)	PL DN RW UT CN	BR	50,000 10,000 10,000 250,000		
Project Cost:							320,000	0	0



# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Harlan	10018	CS-1041	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KENTUCKY AV BRIDGE OVER MARTINS FK CUMBERLAND RV. (048C00067N)	PL DN RW UT CN	BR	90,000		
					Project Cost:		1,360,000		
							1,450,000	0	0
Harlan	10019	CR-1082	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF PRICE LN BRIDGE OVER CLOVER FK CUMBERLAND RVR. (048C00094N)	PL DN RW UT CN	BR	60,000		
					Project Cost:		480,000		
							540,000	0	0
Total for Harlan county					PL DN RW UT CN		1,160,000 20,000 20,000 2,560,000	200,000 100,000 3,500,000	19,318,000
					Total Amounts:		3,760,000	3,800,000	19,318,000
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 RW UT CN	BR		150,000 75,000	
					Project Cost:		0	225,000	2,250,000
Harrison	8708	US-27	RECONSTRUCTION(O)	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)(14CCR)(18CCN)	PL DN RW UT CN	SPP			480,000
					Project Cost:		0	0	480,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Harrison county					PL				
					DN				
					RW			150,000	480,000
					UT			75,000	
					CN				2,250,000
				Total Amounts:			0	225,000	2,730,000
Hart	441	KY-335	ECONOMIC DEVEL(O)	IMPROVE MOBILITY, CONNECTIVITY AND SAFETY BY ADDRESSING COMMERCIAL AND INDUSTRIAL TRAFFIC MOVEMENT FROM US-31W SOUTH OF KY-218 TO I-65. (16CCR)(18CCR)	PL				
					DN				
					RW	FED		2,100,000	
					UT	FED		1,500,000	
					CN				
				Project Cost:			0	3,600,000	0
Hart	4307	KY-357	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-357 IN HART COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			85,000
				Project Cost:			0	0	85,000
Total for Hart county					PL				
					DN				
					RW			2,100,000	
					UT			1,500,000	
					CN				85,000
				Total Amounts:			0	3,600,000	85,000
Henderson	383	CS-1372	RECONSTRUCTION(O)	IMPROVE SAFETY AND REDUCE CONGESTION ON CS-1372 (WATSON LANE). (18CCR)	PL				
					DN				
					RW	FED		1,630,000	
					UT	FED		1,580,000	
					CN				
				Project Cost:			0	3,210,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Henderson	700.15	CO-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN	900,000		
					Project Cost:		900,000	0	0
Henderson	700.1501	CO-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN		900,000	
					Project Cost:		0	900,000	0
Henderson	700.1502	CO-0	MATCHED FED FUNDS(O)	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2020. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP).	PL DN RW UT CN	SHN			900,000
					Project Cost:		0	0	900,000
Henderson	1088.2	PF-9999	NEW ROUTE(O)	CONSTRUCT THE PORTION OF THE I-69 ORX PROJECT FROM THE HENDERSON BYPASS (KY 425) TO US 60. (100% KY SHARE)	PL DN RW UT CN	FED FED FED FED	15,000,000	7,000,000 10,000,000	5,000,000
					Project Cost:		15,000,000	17,000,000	5,000,000
Total for Henderson county					PL DN RW UT CN		15,000,000	8,630,000 11,580,000	5,900,000
					Total Amounts:		15,900,000	21,110,000	5,900,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Hopkins	137.1	US-41	MAJOR WIDENING(O)	IMPROVE US-41A FROM INDUSTRIAL DRIVE TO YORKWOOD PLACE. (SECTION 1) (2012BOP) (16CCR)	PL DN RW UT CN	FED		10,000,000	
Project Cost:							0	10,000,000	0
Hopkins	804	PF-9999	NEW ROUTE(O)	CONSTRUCT CENTER ST CONNECTOR RD BEGIN AT CENTER ST/PROCEED TO CSX RR, SECT.1, 5,173 LI. FT.PROCEED THRU PORTION OF SECT. 2,END AT I-SECTION OF CONNECTOR RD BEING CONSTRUCTED WITH ISLAND FD DR.ALL	PL DN RW UT CN	FED			3,000,000
Project Cost:							0	0	3,000,000
Hopkins	4310	KY-109	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-109 IN HOPKINS COUNTY	PL DN RW UT CN	GR		17,000	
Project Cost:							0	17,000	0
Hopkins	4311	KY-85	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-85 IN HOPKINS COUNTY	PL DN RW UT CN	GR			64,000
Project Cost:							0	0	64,000
Hopkins	4316	US-41	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-0041 IN HOPKINS COUNTY	PL DN RW UT CN	GR			64,000
Project Cost:							0	0	64,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Hopkins	4320	US-62	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-62 IN HOPKINS COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		44,000	
				Project Cost:			0	44,000	0
Hopkins	4322	KY-109	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-109 IN HOPKINS COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		43,000	
				Project Cost:			0	43,000	0
Hopkins	4323	KY-70	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-70 IN HOPKINS COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		19,000	
				Project Cost:			0	19,000	0
Hopkins	8305	US-41	MAJOR WIDENING(O)	IMPROVE NORTH MAIN STREET FROM HOSPITAL DRIVE TO KY-281. (06CCN)(12CCR)(18CCR)	PL				
					DN	FED		840,000	
					RW	FED			970,000
					UT	FED			1,280,000
					CN				
				Project Cost:			0	840,000	2,250,000
Hopkins	8501	US-62	MINOR WIDENING(O)	US-62; THREE LANES FROM BOARD OF EDUCATION TO CITY PARK IN DAWSON SPRINGS. (08CCN)(10CCR)(12CCR)(16CCN)	PL				
					DN				
					RW				
					UT				
					CN	SPP		2,000,000	
				Project Cost:			0	2,000,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Hopkins	10024	KY-138	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY 138 BRIDGE OVER POND RIVER. (054B00009N)	PL				
					DN				
					RW				
					UT				
					CN	BR	1,500,000		
				Project Cost:			1,500,000	0	0
Hopkins	20033	I-69	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-069 BOTH DIRECTION(S) FROM MILEPOINT 93.724 TO MILEPOINT 95.604	PL				
					DN	PM			150,000
					RW				
					UT				
					CN	PM			1,500,000
				Project Cost:			0	0	1,650,000
Hopkins	20034	I-69	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-069 BOTH DIRECTION(S) FROM MILEPOINT 95.604 TO MILEPOINT 105.046	PL				
					DN	PM			760,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	760,000
Hopkins	20035	WK-9001	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 42.807 TO MILEPOINT 43.424	PL				
					DN	PM			50,000
					RW				
					UT				
					CN	PM			500,000
				Project Cost:			0	0	550,000
HOPKINS	80102		AIR QUALITY(P)	CONSTRUCT A 3 LANE CURB, GUTTER AND SIDEWALK ROADWAY FROM THE END OF MIDTOWN BLVD. TO THE INTERSECTION OF COMMERCE DR. AND WHITTINGTON DR.	PL				
					DN	SPP		400,000	
					RW	SPP		600,000	
					UT	SPP		150,000	
					CN	SPP			2,900,000
				Project Cost:			0	1,150,000	2,900,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for HOPKINS county					PL				
					DN			1,240,000	960,000
					RW			600,000	3,970,000
					UT			150,000	1,280,000
					CN		1,500,000	12,123,000	5,028,000
Total Amounts:							1,500,000	14,113,000	11,238,000
Jackson	4304	KY-290	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-290 IN JACKSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		16,000	
Project Cost:							0	16,000	0
Jackson	4305	KY-290	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-290 IN JACKSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		31,000	
Project Cost:							0	31,000	0
Jackson	4306	KY-290	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-290 IN JACKSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		17,000	
Project Cost:							0	17,000	0
Jackson	4307	KY-290	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-290 IN JACKSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		22,000	
Project Cost:							0	22,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jackson	4308	KY-290	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-290 IN JACKSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		63,000	
				Project Cost:			0	63,000	0
Jackson	4324	US-421	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-421 IN JACKSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			31,000
				Project Cost:			0	0	31,000
Jackson	4425	KY-290	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-290 IN JACKSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		24,000	
				Project Cost:			0	24,000	0
Jackson	10041	KY-89	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY 89 BRIDGE OVER HORSE LICK CREEK. (055B00028N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	2,000,000		
				Project Cost:			2,090,000	0	0
JACKSON	80104	US-421	RECONSTRUCTION(O)	ADDRESS SUBSTARNDARD HORIZONTAL AND VERTICAL ALIGNMENT OF US 421 IN THE CLOVER BOTTOM AREA NEAR THE STONE QUARRY.	PL				
					DN	SPP	362,000		
					RW	SPP		495,000	
					UT	SPP			417,000
					CN				
				Project Cost:			362,000	495,000	417,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
JACKSON	80105	US-421	SAFETY(P)	ADDRESS SAFETY ISSUES WITH VERTICAL AND HORIZONTAL ALIGNMENT ON US 421 FROM MP 11.6 EAST OF PILGRIMS REST RD TO MP 12.6	PL DN RW UT CN	SPP SPP		949,000	915,000
Project Cost:							0	949,000	915,000
JACKSON	80106	US-421	RIDESHARE(P)	ADDRESS SAFETY AND HORIZONTAL ALIGNMENT OF THE CURVE ON US 421 WITH ITS INTERSECTION AT KY 3443	PL DN RW UT CN	SPP SPP		365,000	64,000
Project Cost:							0	365,000	64,000
Total for JACKSON county					PL DN RW UT CN		452,000	1,314,000	979,000
Total Amounts:							2,000,000	173,000	31,000
							2,452,000	1,982,000	1,427,000
Jefferson	48.1	I-71	RECONSTRUCTION(O)	ADDITION OF NB AND SB AUXILIARY LANES ON I-71 NEAR KENNEDY, INCLUDING OPERATIONAL IMPROVEMENTS TO THE ZORN INTERCHANGE. (2004BOPC)	PL DN RW UT CN	FED		2,000,000	
Project Cost:							0	2,000,000	0
Jefferson	64	I-64	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON I-64 SHERMAN MINTON BRIDGE OVER THE OHIO RIVER. (JOINT PROJECT WITH INDIANA)(056B00279N)(BSBP)	PL DN RW UT CN	BR	5,000,000		
Project Cost:							5,000,000	0	0

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jefferson	64.0001	I-64	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON I-64 SHERMAN MINTON BRIDGE OVER THE OHIO RIVER. (JOINT PROJECT WITH INDIANA)(056B00279N)(BSBP)	PL DN RW UT CN	BR		5,000,000	
Project Cost:							0	5,000,000	0
Jefferson	64.0002	I-64	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON I-64 SHERMAN MINTON BRIDGE OVER THE OHIO RIVER. (JOINT PROJECT WITH INDIANA)(056B00279N)(BSBP)	PL DN RW UT CN	BR			10,000,000
Project Cost:							0	0	10,000,000
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		6,700,000	
Project Cost:							0	6,700,000	0
Jefferson	136	PF-9999	AM-BRG PAINTING(P)	CLEAN AND PAINT ALL STEEL BRIDGES AND STEEL BEARINGS ON THE GENE SNYDER FREEWAY(10CCR)(SD)	PL DN RW UT CN	BR		6,000,000	
Project Cost:							0	6,000,000	0
Jefferson	193	CO-0	CONGESTION MITIGTN(O)	TRAFFIC CALMING MEASURES FOR SHELBY PARK AND SMOKETOWN NEIGHBORHOODS IN LOUISVILLE.	PL DN RW UT CN	SPP			500,000
Project Cost:							0	0	500,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
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) (16CCR)	PL DN RW UT CN	FED			5,000,000
				Project Cost:			0	0	5,000,000
JEFFERSON	323.01	KY-1931	MAJOR WIDENING(O)	WIDEN GREENWOOD ROAD FROM GREENBELT HWY TO DIXIE HWY (US-31W) (3-LANE IMPROVEMENT) FROM MP 0.54 TO MP 3.148. (98CCR)(R-04DEOB)(04CCR)(BOP2006P) (10CCR)(12CCR)	PL DN RW UT CN	FED			7,340,000
				Project Cost:			0	0	7,340,000
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 RW UT CN	FED FED		5,280,000 1,270,000	
				Project Cost:			0	6,550,000	0
Jefferson	808	KY-155	DESIGN ENGINEERING(O)	SAFETY PROJECT FOR RECONSTRUCTION OF TAYLORSVILLE ROAD AND SOUTH POPE LICK ROAD INTERSECTION AND BRIDGE OVER POPE LICK CREEK. (2016BOP)	PL DN RW UT CN	FED FED		180,000 150,000	
				Project Cost:			0	330,000	0
Jefferson	965.19	CO-0	MATCHED FED FUNDS(O)	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	26,209,000		
				Project Cost:			26,209,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jefferson	965.1901	CO-0	MATCHED FED FUNDS(O)	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		26,209,000	
					Project Cost:		0	26,209,000	0
Jefferson	965.1902	CO-0	MATCHED FED FUNDS(O)	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			26,209,000
					Project Cost:		0	0	26,209,000
Jefferson	1070	CS-1017	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON E KENTUCKY ST (CS 1017G) OVER SOUTH FORK BEARGRASS CREEK 0.01 MILE E OF SCHILLER AVE (CS 1138G) 056C00083N	PL DN RW UT CN	BR	990,000		
					Project Cost:		990,000	0	0
Jefferson	1079	CR-1001	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER GOOSE CREEK ON RIVER ROAD (CR 1001B) 0.2 MI N OF LIME KILN ROAD (CR 1002B) (056C00130N)	PL DN RW UT CN	BR	2,820,000		
					Project Cost:		2,820,000	0	0
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			3,280,000
					Project Cost:		0	0	3,280,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
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 UT CN	FED			2,770,000
Project Cost:							0	0	2,770,000
Jefferson	8908	KY-155	MINOR WIDENING(O)	WIDEN TAYLORSVILLE ROAD TO 3 LANES FROM I-265 TO KY-148. (18CCN)	PL DN RW UT CN	FED FED		920,000	1,500,000
Project Cost:							0	920,000	1,500,000
Jefferson	8952	US-60	MINOR WIDENING(O)	WIDEN US 60 INCLUDING REALIGNMENT OF GILLILAND ROAD AND EASTWOOD CUTOFF (MP 14.7) TO ROCKCREST WAY (MP 15.1). (LOCALS WILL DO DESIGN FOR \$330,000). (16CCN) (18CCR)	PL DN RW UT CN	FED		330,000	
Project Cost:							0	330,000	0
Jefferson	10007	CR-1004	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF CLARK STATION RD BRIDGE OVER S LONG RUN. (056C00091N)	PL DN RW UT CN	BR	500,000		
Project Cost:							500,000	0	0
Jefferson	10008	CS-1079	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF OLD WESTPORT RD BRIDGE OVER GOOSE CREEK. (056C00113N)	PL DN RW UT CN	BR	750,000		
Project Cost:							750,000	0	0

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jefferson	10011	CS-1096	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF STONEBRIDGE RD BRIDGE OVER TRIB MUDDY FK BEARGRASS. (056C00240N)	PL DN RW UT CN	BR	160,000    550,000		
				Project Cost:			710,000	0	0
Jefferson	10015	PF-9999	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON I-64 RIVERSIDE EXPRESSWAY BRIDGES. (056B00298N,056B00299N,056B00300N,056B00 301N,056B00302N,056B00285N,056B00292N,05 6B00293N,056B00142N)(SD)	PL DN RW UT CN	BR	350,000    4,600,000		
				Project Cost:			4,950,000	0	0
Jefferson	10018	US-31	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF US 31E BRIDGE OVER S FK BEARGRASS CREEK. (056B00137N)	PL DN RW UT CN	BR	690,000    690,000		
				Project Cost:			690,000	0	0
Jefferson	10019	CS-1003	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF SCENIC LOOP BRIDGE OVER MID FK BEARGRASS CREEK. (056C00027N)	PL DN RW UT CN	BR	60,000    440,000		
				Project Cost:			500,000	0	0
Jefferson	10022	CS-1004	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF OLD CLARK STATION BRIDGE OVER BRUSH RUN. (056C00167N)	PL DN RW UT CN	BR	357,000    357,000		
				Project Cost:			357,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jefferson	20009	I-64	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 6 TO MILEPOINT 11.57	PL DN RW UT CN	PM			
Project Cost:							0	0	575,000
Jefferson	20010	I-64	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-064 CARDINAL DIRECTION(S) FROM MILEPOINT 0.65 TO MILEPOINT 0.828	PL DN RW UT CN	PM	1,500,000		
Project Cost:							1,500,000	0	7,860,000
Jefferson	20016	I-264	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-264 BOTH DIRECTION(S) FROM MILEPOINT 12.7 TO MILEPOINT 18.41	PL DN RW UT CN	PM			1,150,000
Project Cost:							0	0	1,150,000
Jefferson	20019	I-265	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-265 BOTH DIRECTION(S) FROM MILEPOINT 15.66 TO MILEPOINT 18.8	PL DN RW UT CN	PM		325,000	
Project Cost:							0	325,000	3,250,000
Jefferson	20020	I-265	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-265 BOTH DIRECTION(S) FROM MILEPOINT 18.8 TO MILEPOINT 23.364	PL DN RW UT CN	PM	460,000		
Project Cost:							460,000	4,600,000	0

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jefferson	20021	I-265	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-265 BOTH DIRECTION(S) FROM MILEPOINT 23.364 TO MILEPOINT 26.6	PL DN RW UT CN	PM			350,000
						PM			3,500,000
					Project Cost:		0	0	3,850,000
Jefferson	20024	KY-913	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			50,000
						PM			500,000
					Project Cost:		0	0	550,000
Jefferson	20025	KY-1020	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			75,000
						PM			750,000
					Project Cost:		0	0	825,000
Jefferson	20029	KY-1934	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			375,000
						PM			3,750,000
					Project Cost:		0	0	4,125,000
Jefferson	20031	KY-2052	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT	PL DN RW UT CN	PM			300,000
						PM			3,000,000
					Project Cost:		0	0	3,300,000



# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jefferson	80000	KY-1531	NEW INTERCHANGE(O)	EASTWOOD FISHERSVILLE CONNECTOR TO I-64 (18CCN)	PL DN RW UT CN	SPP		750,000	
Project Cost:							0	750,000	0
Jefferson	80001	US-60	MAJOR WIDENING(O)	WIDEN US-60 TO 6 LANES FROM OLD SHELBYVILLE RD. TO NORTH ENGLISH STATION RD.(18CCN)	PL DN RW UT CN	FED FED		1,260,000	550,000
Project Cost:							0	1,260,000	550,000
Jefferson	80003	CO-0	NEW ROUTE(O)	EXTEND PLANTSIDE DRIVE FROM REHL ROAD TO TAYLORSVILLE ROAD(18CCN)	PL DN RW UT CN	SPP	750,000		
Project Cost:							750,000	0	0
Jefferson	80051	I-264	SPOT IMPROVEMENTS(O)	EXTEND EXISTING SOUND WALL ON I-264 NEAR NEWBURG RD. APPROXIMATELY 750' WEST. (18CCN)	PL DN RW UT CN	SPP SPP	50,000		
Project Cost:							50,000	330,000	0
JEFFERSON	80109	KY-1703	BRIDGE REHAB(P)	REPAIR AND REHABILITATE THE BRIDGE AND DRAINAGE STRUCTURES ACROSS TYLER PARK	PL DN RW UT CN	SPP		2,516,950	
Project Cost:							0	2,516,950	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
JEFFERSON	80151	US-31E	AIR QUALITY(P)	RECONSTRUCT THE INTERSECTION OF BARDSTOWN ROAD (US 31E) AND BAXTER AVENUE (KY 1703) FOR PEDESTRIAN SAFETY	PL DN RW UT CN	SPP		150,000	
Project Cost:							0	150,000	0
JEFFERSON	80152	I-264	AIR QUALITY(P)	DESIGN AND CONSTRUCT A SOUND BARRIER WALL ON EASTBOUND I-264 FROM MILEPOINT 13.9 TO 14.2 FOR APPROXIMATELY 1400 FT.	PL DN RW UT CN	SPP			150,000
Project Cost:							0	0	900,000
Total for JEFFERSON county					PL DN RW UT CN			1,670,000 3,330,000 5,460,000 1,420,000 42,906,000	4,525,000 3,320,000 75,839,000
Total Amounts:							46,236,000	63,970,950	83,684,000
Jessamine	87.2	PF-9999	NEW ROUTE(O)	EAST NICHOLASVILLE BYPASS SECTION IA: IMPROVE CONNECTIVITY AND MOBILITY EAST AROUND NICHOLASVILLE FROM SOUTH OF KY-39 TO NORTH OF KY-169.	PL DN RW UT CN	SPP			7,000,000
Project Cost:							0	0	7,000,000
Jessamine	103	KY-1980	MINOR WIDENING	MINOR WIDENING OF ASHGROVE ROAD (KY 1980) FROM US 27 TO YOUNG DRIVE TO ACCOMMODATE PROPOSED SCHOOL SITE TRAFFIC.	PL DN RW UT CN	SPP			1,000,000
Project Cost:							0	0	1,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Jessamine	1144	CR-1238	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON CR-1238 (0.88) OVER NS SYSTEM. 057R00605N	PL DN RW UT CN	BR	2,100,000		
				Project Cost:			2,100,000	0	0
Jessamine	4308	KY-1268	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1268 IN JESSAMINE COUNTY	PL DN RW UT CN	GR			18,000
				Project Cost:			0	0	18,000
Jessamine	8851	KY-169	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF RAILROAD BRIDGE ON KY 169 (NORTH 3RD STREET) BETWEEN MEADOWLARK LANE & ILHARDT AVENUE. (057R00603N)(14CCN)(16CCR)(SD)	PL DN RW UT CN	BR	1,500,000		
				Project Cost:			1,500,000	0	0
Total for Jessamine county					PL DN RW UT CN		3,600,000		8,018,000
				Total Amounts:			3,600,000	0	8,018,000
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 RW UT CN	SPP SPP SPP		500,000	500,000 500,000
				Project Cost:			0	500,000	1,000,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Johnson	4307	KY-172	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-172 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			106,000
				Project Cost:			0	0	106,000
Johnson	4308	KY-1750	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1750 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			106,000
				Project Cost:			0	0	106,000
Johnson	4309	KY-1750	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1750 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			106,000
				Project Cost:			0	0	106,000
Johnson	4315	KY-172	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-172 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		106,000	
				Project Cost:			0	106,000	0
Johnson	4316	KY-172	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-172 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			106,000
				Project Cost:			0	0	106,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1037

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Johnson	4317	KY-825	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-825 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			53,000
				Project Cost:			0	0	53,000
Johnson	4321	KY-825	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-825 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			25,000
				Project Cost:			0	0	25,000
Johnson	4322	KY-825	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-825 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			69,000
				Project Cost:			0	0	69,000
Johnson	4401	KY-1107	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1107 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		74,000	
				Project Cost:			0	74,000	0
Johnson	4465	KY-1750	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1750 IN JOHNSON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		106,000	
				Project Cost:			0	106,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Johnson	4476	KY-1107	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1107 IN JOHNSON COUNTY	PL DN RW UT CN	GR	<u>0</u>	<u>74,000</u>	<u>0</u>
				Project Cost:			0	74,000	0
Johnson	4477	KY-3224	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-3224 IN JOHNSON COUNTY	PL DN RW UT CN	GR	<u>0</u>	<u>71,000</u>	<u>0</u>
				Project Cost:			0	71,000	0
Johnson	4478	KY-580	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-580 IN JOHNSON COUNTY	PL DN RW UT CN	GR	<u>0</u>	<u>50,000</u>	<u>0</u>
				Project Cost:			0	50,000	0
Total for Johnson county					PL DN RW UT CN		<u>0</u>	<u>500,000</u>	<u>500,000</u>
									<u>500,000</u>
								<u>481,000</u>	<u>571,000</u>
					Total Amounts:		0	981,000	1,571,000
Kenton	17.09	I-75	AM-BRIDGE (P)	BRENT SPENCE BRIDGE PROJECT (ADDITIONAL PROJECT FUNDS FOR MAINTENANCE, REPAIR AND PAINTING). (10CCR)(12CCR)(SD)	PL DN RW UT CN	BR	<u>0</u>	<u>15,000,000</u>	<u>0</u>
				Project Cost:			0	15,000,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1039

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Kenton	17.0901	I-75	AM-BRIDGE (P)	BRENT SPENCE BRIDGE PROJECT (ADDITIONAL PROJECT FUNDS FOR MAINTENANCE, REPAIR AND PAINTING). (10CCR)(12CCR)(SD)	PL DN RW UT CN	BR			15,000,000
				Project Cost:			0	0	15,000,000
Kenton	162.1	KY-1303	RECONSTRUCTION(O)	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-1303 FROM KY-536 TO BEECHGROVE ELEMENTARY (PRIORITY SECTION 4). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(16CCR)(18CCR)	PL DN RW UT CN	FED			3,660,000
				Project Cost:			0	0	3,660,000
Kenton	162.2	KY-536	RECONSTRUCTION(O)	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM THE WEST END OF THE NS RAILROAD BRIDGE (B91) TO KY-1303 (PRIORITY SECTION 1). DESIGN PHASE UNDER PARENT NO. 6-162.01. (16CCN)(18CCR)	PL DN RW UT CN	FED		11,250,000	0
				Project Cost:			0	11,250,000	0
Kenton	162.3	KY-536	AIR QUALITY(P)	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM KY 1303 TO WILLIAMSWOOD ROAD/CALVARY DRIVE (PRIORITY SECTION 2). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCN)	PL DN RW UT CN	FED FED		3,500,000 1,950,000	0
				Project Cost:			0	5,450,000	0
Kenton	162.4	KY-536	RECONSTRUCTION(O)	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM WILLIAMSWOOD ROAD/CALVARY DRIVE TO KY-17 (PRIORITY SECTION 3). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCR)	PL DN RW UT CN	FED			13,980,000
				Project Cost:			0	0	13,980,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Kenton	449	KY-17	CONGESTION MITIGTN(O)	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-17 AT THE I-275 INTERCHANGE. (18CCR)	PL				
					DN				
					RW	FED			200,000
					UT	FED			350,000
					CN				
				Project Cost:			0	0	550,000
Kenton	450	KY-1303	CONGESTION MITIGTN(O)	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-1303 (TURKEYFOOT RD) FROM DUDLEY RD TO US-25 (DIXIE HWY). (18CCR)	PL				
					DN	FED		3,500,000	
					RW				
					UT				
					CN				
				Project Cost:			0	3,500,000	0
Kenton	450.0001	KY-1303	CONGESTION MITIGTN(O)	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-1303 (TURKEYFOOT RD) FROM DUDLEY RD TO US-25 (DIXIE HWY). (18CCR)	PL				
					DN				
					RW	FED			3,680,000
					UT				
					CN				
				Project Cost:			0	0	3,680,000
Kenton	1070	CS-2097	AM-BRIDGE (P)	WEST 15TH STREET; ADDRESS DEFICIENCIES OF BRIDGE AND APPROACHES OVER CSX RR IN COVINGTON. (059C00029N)(12CCR)(SD)	PL				
					DN				
					RW	BR	100,000		
					UT	BR	150,000		
					CN	BR	2,000,000		
				Project Cost:			2,250,000	0	0
Kenton	1086	KY-8	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER LICKING RIVER ON WEST 4TH STREET (KY 8) IN COVINGTON/NEWPORT AT KENTON/CAMPBELL CO LN. (059B00037N) *CAMPBELL CO MPS ARE 0.0-0.19	PL				
					DN	FED		4,390,000	
					RW				
					UT				
					CN				
				Project Cost:			0	4,390,000	0



# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Kenton	4306	KY-17	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-17 IN KENTON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		12,000	
				Project Cost:			0	12,000	0
Kenton	4319	KY-177	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-177 IN KENTON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		5,000	
				Project Cost:			0	5,000	0
Kenton	8307.1	KY-1501	RECONSTRUCTION(O)	IMPROVE HANDS PIKE (KY-1501) FROM KY-17 TO CRYSTAL LAKE DRIVE.(12CCR)(14CCR)(16CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED		8,010,000	
				Project Cost:			0	8,010,000	0
Kenton	8916	CS-3000	NEW ROUTE(O)	EXTEND HOUSTON ROAD TO CINEMA PROPERTY. (16CCN)(18CCN)	PL				
					DN				
					RW	SPP		530,000	
					UT	SPP		520,000	
					CN	SPP			3,790,000
				Project Cost:			0	1,050,000	3,790,000
Kenton	8951	US-25	RECONSTRUCTION(O)	IMPROVE EXISTING ALIGNMENT WITH BUTTERMILK PIKE, ORPHANAGE ROAD, AND US 25. FT. MITCHELL WILL PAY \$50,000 TOWARD DESIGN. (16CCN)(18CCN)	PL				
					DN	FED		570,000	
					RW	FED			5,000,000
					UT				
					CN				
				Project Cost:			0	570,000	5,000,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Kenton	10005	KY-17	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON JOHN A. ROEBLING BRIDGE OVER OHIO RIVER. (059B00048N) (BSBP)	PL DN RW UT CN	BR		9,000,000	
				Project Cost:			0	9,000,000	0
Kenton	10006	US-25	AM-BRIDGE (P)	JOINT REPLACEMENT AND PREVENTIVE MAINTENANCE ON CLAY WADE BAILEY BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (059B00049N)	PL DN RW UT CN	BR	1,000,000		
				Project Cost:			1,000,000	0	0
Kenton	20031	I-75	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-075 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 166.263 TO MILEPOINT 169.439	PL DN RW UT CN	PM			390,000
				Project Cost:			0	0	390,000
Kenton	20051	KY-177	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON KY-177 FROM MILEPOINT 9.17 TO MILEPOINT 15.99	PL DN RW UT CN	PM			893,000
				Project Cost:			0	0	893,000
Kenton	80002	KY-236	RECONSTRUCTION(O)	RECONSTRUCT KY 236 (STEVENSON ROAD) FROM ALICE STREET TO JACQUELINE DRIVE. (18CCN)	PL DN RW UT CN	SPP SPP		840,000	1,660,000
				Project Cost:			0	840,000	1,660,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1043

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
KENTON	80104	KY-17	AIR QUALITY(P)	RESURFACE AND REPAIR MEDIAN ON KY 17 FROM PIONEER PARK TO KYLES LANE	PL DN RW UT CN	SPP		50,000	
					Project Cost:		0	50,000	2,010,000
KENTON	80106	I-75	AIR QUALITY(P)	IMPROVE NORTHBOUND ENTRANCE RAMP ONTO I 75 FROM KYLES LANE (KY 1072)	PL DN RW UT CN	SPP			500,000
					Project Cost:		0	0	500,000
Total for KENTON county					PL DN RW UT CN			9,350,000	890,000
							100,000	4,030,000	28,180,000
							150,000	2,470,000	350,000
							3,000,000	43,277,000	21,693,000
					Total Amounts:		3,250,000	59,127,000	51,113,000
Knott	4310	KY-1231	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1231 IN KNOTT COUNTY	PL DN RW UT CN	GR			53,000
					Project Cost:		0	0	53,000
Knott	4323	KY-1088	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL DN RW UT CN	GR			73,000
					Project Cost:		0	0	73,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Knott	4324	KY-1088	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			55,000
				Project Cost:			0	0	55,000
Knott	4325	KY-1231	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1231 IN KNOTT COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			63,000
				Project Cost:			0	0	63,000
Knott	4334	KY-582	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		44,000	
				Project Cost:			0	44,000	0
Knott	4479	KY-582	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		44,000	
				Project Cost:			0	44,000	0
Knott	8904	KY-3209	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER BALLS FORK ON KY 3209. (16CCN) 060B00053N	PL				
					DN				
					RW				
					UT				
					CN	BR	870,000		
				Project Cost:			870,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Knott county					PL				
					DN				
					RW				
					UT				
					CN		870,000	88,000	244,000
				Total Amounts:			870,000	88,000	244,000
Knox	4309	KY-229	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-229 IN KNOX COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			58,000
				Project Cost:			0	0	58,000
Knox	4310	KY-3441	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-3441 IN KNOX COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			55,000
				Project Cost:			0	0	55,000
Knox	4360	KY-11	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		3,000	
				Project Cost:			0	3,000	0
Knox	20008	US-25	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL				
					DN	PM	125,000		
					RW				
					UT				
					CN	PM	1,250,000		
				Project Cost:			1,375,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
KNOX	80100	US-25	CONGESTION MITIGTN(O)	CONSTRUCT ACCELERATION LANE ON US25E SOUTHBOUND AT MP 4.02	PL DN RW UT CN	SPP		78,000	
				Project Cost:			0	78,000	0
KNOX	80101	US-25	CONGESTION MITIGTN(O)	CONSTRUCT RIGHT TURN LANES ON US25 E SOUTHBOUND AT MP 16.876 AND 17.015	PL DN RW UT CN	SPP		62,000	
				Project Cost:			0	62,000	0
KNOX	80102	US-25	CONGESTION MITIGTN(O)	CONSTRUCT LEFT TURN LANE ON US25 E NORTHBOUND AT MP 22.373	PL DN RW UT CN	SPP		31,000	
				Project Cost:			0	31,000	0
KNOX	80103	US-25	CONGESTION MITIGTN(O)	CONSTRUCT RIGHT TURN LANE ON US25 E NORTHBOUND AT MP 24.222	PL DN RW UT CN	SPP		31,000	
				Project Cost:			0	31,000	0
KNOX	80111		CONGESTION MITIGTN(O)	CONSTRUCT VARIOUS TURN LANES ON THE CUMBERLAND GAP PARKWAY AS NEEDED	PL DN RW UT CN	SPP		48,000	
				Project Cost:			0	48,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
KNOX	80155	KY 1487	AIR QUALITY(P)	IMPROVE SAFETY, ADDRESS GEOMETRIC DEFICIENCIES AND PROVIDE FLOOD MITIGATION ON KY 1487 (MANCHESTER STREET) FROM JUDGE STREET TO US 25E	PL DN RW UT CN	SPP SPP SPP		500,000	850,000 1,150,000
Project Cost:							0	500,000	2,000,000
KNOX	80156	KY 830	AIR QUALITY(P)	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG N KY 830 FROM US 25E TO KY 1629 INCLUDING WIDENING AND NEW TURNING LANES	PL DN RW UT CN	SPP SPP SPP SPP		300,000 350,000 1,250,000	2,000,000
Project Cost:							0	1,900,000	2,000,000
Total for KNOX county					PL DN RW UT CN		125,000	800,000 350,000 1,250,000 253,000	850,000 1,150,000 2,113,000
Total Amounts:							1,375,000	2,653,000	4,113,000
Larue	4322	KY-84	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-84 IN LARUE COUNTY	PL DN RW UT CN			22,000	
Project Cost:							0	22,000	0
Larue	8909	KY-84	SPOT IMPROVEMENTS(O)	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 84 FROM KY 357 TO KY 61 (LINCOLN PARKWAY) NEAR HODGINSVILLE	PL DN RW UT CN	SPP SPP SPP		75,000	20,000 100,000
Project Cost:							0	75,000	120,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Larue	8911	KY-84	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON KY 84 FROM HODGENVILLE TO I-65. (16CCN)(18CCN)	PL				
					DN	FED	50,000		
					RW	FED		20,000	
					UT	FED		100,000	
					CN	FED			4,000,000
				Project Cost:			50,000	120,000	4,000,000
LARUE	8912	KY-210	SAFETY(P)	ADDRESS SAFETY AND TRAVEL TIME RELIABILITY ALONG KY 210 FROM CAMPBELLSVILLE TO HODGENVILLE	PL				
					DN	SPP			2,000,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	2,000,000
LARUE	80154	KY-210	SAFETY(P)	ADDRESS SAFETY BY IMPROVING EXISTING ALIGNMENT IN SPOTS AND ADD PASSING LANES ALONG KY 210 FROM CAMPBELLSVILLE TO HODGENVILLE. MILEPOINTS 0-14.148 AND 6.994-16.613 AND 0-0.750 IN TAYLOR, LARUE,	PL				
					DN	SPP			2,000,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	2,000,000
Total for LARUE county					PL				
					DN		50,000	75,000	4,000,000
					RW			20,000	20,000
					UT			100,000	100,000
					CN			22,000	4,000,000
				Total Amounts:			50,000	217,000	8,120,000
Laurel	147	US-25	MAJOR WIDENING(O)	REDUCE CONGESTION ON US-25 FROM KY-1006 TO KY-2069; IMPROVE CONNECTIVITY FROM US-25 NEAR KY-2069 TO KY-229; IMPROVE KY-229 FROM THE NEW CONNECTOR NORTH TO KY-192; AND IMPROVE ACCESS TO THE	PL				
					DN				
					RW				
					UT	FED			1,000,000
					CN				
				Project Cost:			0	0	1,000,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Laurel	187	KY-192	MAJOR WIDENING(O)	IMPROVE SAFETY, ACCESS MANAGEMENT, AND FREIGHT MOBILITY; AND REDUCE CONGESTION ON KY-192 NEAR KY-1006 TO US-25 IN LONDON. (12CCR)	PL DN RW UT CN	FED		18,000,000	
Project Cost:							0	18,000,000	0
Laurel	365	HR-9006	MAJOR WIDENING(O)	REDUCE CONGESTION ON THE HAL ROGERS PARKWAY FROM RELOCATED KY-30 TO KY-192. (18CCR)	PL DN RW UT CN	FED FED		1,870,000	2,080,000
Project Cost:							0	1,870,000	2,080,000
Laurel	4319	KY-472	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-472 IN LAUREL COUNTY	PL DN RW UT CN	GR			86,000
Project Cost:							0	0	86,000
Laurel	4325	KY-192	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-192 IN LAUREL COUNTY	PL DN RW UT CN	GR			18,000
Project Cost:							0	0	18,000
Laurel	4326	KY-472	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-472 IN LAUREL COUNTY	PL DN RW UT CN	GR			27,000
Project Cost:							0	0	27,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Laurel	4418	KY-3007	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-3007 IN LAUREL COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		49,000	
				Project Cost:			0	49,000	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)(18CCN)	PL				
					DN				
					RW				
					UT				
					CN	FED		1,520,000	
				Project Cost:			0	1,520,000	0
Laurel	8953	CR-1414	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE (063C00044N) ON MT ZION CHURCH ROAD (CR 1414). (16CCN)	PL				
					DN	BR		300,000	
					RW	BR			100,000
					UT	BR			100,000
					CN	BR			1,300,000
				Project Cost:			0	300,000	1,500,000
Laurel	10024	KY-1223	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-1223 BRIDGE OVER HORSE CREEK. (063B00007N)	PL				
					DN	BR	60,000		
					RW	BR	10,000		
					UT	BR	30,000		
					CN	BR	460,000		
				Project Cost:			560,000	0	0
Laurel	10042	KY-490	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY 490 BRIDGE OVER ROCKCASTLE RIVER. (063B00004N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	850,000		
				Project Cost:			940,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1051

County	Item No.	Route	Type of Work	Description	Phase	Fund	FY 2020	FY 2021	FY 2022
LAUREL	80110	HR-9006	SAFETY(P)	ADDRESS ACCESS AND SAFETY ISSUES AT THE INTERSECTION OF KY 80 AND PAYNE TRAIL AND BUSH ELEMENTARY SCHOOL BY BUILDING A CONNECTOR RD FROM HAL ROGERS PARKWAY TO KY 6264	PL				
					DN	SPP		100,000	
					RW	SPP			710,000
					UT	SPP			28,000
					CN				
					Project Cost:		0	100,000	738,000
LAUREL	80154	HR 9006	AIR QUALITY(P)	ADDRESS ACCESS AND SAFETY ISSUES AT THE INTERSECTION OF KY 80 AND PAYNE TRAIL AND BUSH ELEMENTARY SCHOOL BY CONSTRUCTING A CONNECTOR ROAD FROM HAL ROGERS PARKWAY (HR 9006) TO KY 6264	PL				
					DN	SPP		100,000	
					RW	SPP		710,000	
					UT	SPP			28,000
					CN				
					Project Cost:		0	810,000	28,000
Total for LAUREL county					PL				
					DN	150,000	2,370,000		
					RW	10,000	710,000	2,890,000	
					UT	30,000		1,156,000	
					CN	1,310,000	19,569,000	1,431,000	
					Total Amounts:	1,500,000	22,649,000	5,477,000	
Lawrence	10016	KY-644	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY 644 BRIDGE OVER LEVISA FORK OF BIG SANDY. (064B00038N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	1,980,000		
					Project Cost:		2,070,000	0	0
Total for Lawrence county					PL				
					DN	90,000			
					RW				
					UT				
					CN	1,980,000			
					Total Amounts:	2,070,000	0	0	

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
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. START AT KY-30 AT LEVI IN OWSLEY MOVING NORTH. (06CCR)(10CCR)(14CCR)	PL DN RW UT CN	SPP		7,000,000	
Project Cost:							0	7,000,000	0
LEE	292.1001	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. START AT KY-30 AT LEVI IN OWSLEY MOVING NORTH. (06CCR)(10CCR)(14CCR)	PL DN RW UT CN	SPP			7,000,000
Project Cost:							0	0	7,000,000
Lee	10013	CR-1124	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF GOOSE CREEK RD BRIDGE OVER CSX RAILROAD. (065R00604N)	PL DN RW UT CN	BR	90,000		
Project Cost:							990,000	0	0
Total for Lee county					PL DN RW UT CN		90,000		
Total Amounts:							990,000	7,000,000	7,000,000
							1,080,000	7,000,000	7,000,000
Leslie	1095	US-421	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER MUNCY CREEK ON US 421 0.5 MILE SOUTH OF TAYLOR MORGAN ROAD (CR 1090). (066B00006N)	PL DN RW UT CN	BR	730,000		
Project Cost:							730,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1053

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Leslie	4320	US-421	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-421 IN LESLIE COUNTY	PL DN RW UT CN	GR			36,000
				Project Cost:			0	0	36,000
Leslie	4419	KY-406	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-406 IN LESLIE COUNTY	PL DN RW UT CN	GR		77,000	
				Project Cost:			0	77,000	0
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)(18CCN)	PL DN RW UT CN	SPP SPP		260,000	1,020,000
				Project Cost:			0	260,000	1,020,000
LESLIE	80108	KY-1482	GUARDRAIL REPLCMNT(P)	GUARD RAIL INSTALLATION ON BULL SKIN RD MP 1.582 TO MP 2	PL DN RW UT CN	GR		50,000	
				Project Cost:			0	50,000	0
LESLIE	80109	KY-1807	GUARDRAIL REPLCMNT(P)	GUARD RAIL INSTALLATION ON WOOTEN RD FROM MP 0.089 TO MP 3.567 AS NEEDED	PL DN RW UT CN	GR		150,000	
				Project Cost:			0	150,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for LESLIE county					PL				
					DN			260,000	
					RW				1,020,000
					UT				
					CN		730,000	277,000	36,000
				Total Amounts:			730,000	537,000	1,056,000
Letcher	199.1	US-119	RECONSTRUCTION(O)	IMPROVE US-119 FROM NORTH OF KY-15 TO BRASS DRIVE (SOUTH).(16CCN)(18CCR)	PL				
					DN				
					RW	SPP		1,300,000	
					UT	SPP			1,200,000
					CN				
				Project Cost:			0	1,300,000	1,200,000
Letcher	199.15	US-119	RECONSTRUCTION(O)	IMPROVE US-119 FROM KY 2034/COUGAR DRIVE TO BRASS DRIVE (SOUTH).(16CCN)(SEE 12-199.10 FOR D, R, U)(18CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED			6,275,000
				Project Cost:			0	0	6,275,000
Letcher	1125	CR-1226	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON HAMPTON BRANCH (CR 1226) (MP 0.01) OVER COWAN CREEK. 067C00021N	PL				
					DN				
					RW	BR	160,000		
					UT	BR	110,000		
					CN	BR	320,000		
				Project Cost:			590,000	0	0
Letcher	4306	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		50,000	
				Project Cost:			0	50,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1055

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Letcher	4311	KY-463	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-463 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			72,000
				Project Cost:			0	0	72,000
Letcher	4318	KY-588	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			102,000
				Project Cost:			0	0	102,000
Letcher	4320	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		80,000	
				Project Cost:			0	80,000	0
Letcher	4326	KY-317	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			58,000
				Project Cost:			0	0	58,000
Letcher	4327	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			75,000
				Project Cost:			0	0	75,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Letcher	4409	KY-113	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-113 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		28,000	
				Project Cost:			0	28,000	0
Letcher	4420	KY-7	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		105,000	
				Project Cost:			0	105,000	0
Letcher	4422	KY-805	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-805 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		18,000	
				Project Cost:			0	18,000	0
Letcher	4428	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		96,000	
				Project Cost:			0	96,000	0
Letcher	4464	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		83,000	
				Project Cost:			0	83,000	0



# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1057

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Letcher	4469	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN	GR		85,000	
				Project Cost:			0	85,000	0
Letcher	4471	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN	GR		76,000	
				Project Cost:			0	76,000	0
Letcher	4475	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN	GR		79,000	
				Project Cost:			0	79,000	0
Letcher	4482	KY-931	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN	GR		73,000	
				Project Cost:			0	73,000	0
Letcher	10017	KY-7	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY 7 BRIDGE OVER CSX RR & N FK KY RIVER. (067B00038N)	PL DN RW UT CN	BR	60,000		
				Project Cost:			3,200,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
LETCHER	80113	KY-3404	BRIDGE REHAB(P)	RECONSTRUCT THE BRIDGE OVER COLLIER'S CREEK BRIDGE TO CORRECT A DIP	PL				
					DN	BR		100,000	
					RW	BR			50,000
					UT	BR			50,000
					CN	BR			175,000
				Project Cost:			<u>0</u>	<u>100,000</u>	<u>275,000</u>
Total for LETCHER county					PL				
					DN		60,000	100,000	
					RW		160,000	1,300,000	50,000
					UT		110,000		1,250,000
					CN		3,520,000	773,000	6,757,000
				Total Amounts:			<u>3,850,000</u>	<u>2,173,000</u>	<u>8,057,000</u>
Lewis	231		NEW ROUTE(O)	NEW ROUTE FROM VANCEBURG TO KY-59 FROM POLLITT LANE IN VANCEBURG (ALT. 5B1-2 PER PLANNING STUDY).	PL				
					DN	FED		7,000,000	
					RW				
					UT				
					CN				
				Project Cost:			<u>0</u>	<u>7,000,000</u>	<u>0</u>
Lewis	8807	KY-57	RECONSTRUCTION(O)	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE. (14CCN)(16CCR) (18CCN)	PL				
					DN	SPP		1,000,000	
					RW				
					UT				
					CN				
				Project Cost:			<u>0</u>	<u>1,000,000</u>	<u>0</u>
Total for Lewis county					PL				
					DN			8,000,000	
					RW				
					UT				
					CN				
				Total Amounts:			<u>0</u>	<u>8,000,000</u>	<u>0</u>

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1059

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Lincoln	196	US-27	MAJOR WIDENING(O)	IMPROVE US-27 FROM KY-590 TO BELL STREET IN STANFORD. (INCLUDES NEW GOSHEN CUT-OFF ROAD)(2005HPP-KY115)(18CCR)	PL DN RW UT CN	FED		6,500,000	
				Project Cost:			0	6,500,000	0
Lincoln	4315	KY-1781	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1781 IN LINCOLN COUNTY	PL DN RW UT CN	GR		43,000	
				Project Cost:			0	43,000	0
Lincoln	4317	KY-1194	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1194 IN LINCOLN COUNTY	PL DN RW UT CN	GR			11,000
				Project Cost:			0	0	11,000
Lincoln	4318	KY-1194	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1194 IN LINCOLN COUNTY	PL DN RW UT CN	GR		36,000	
				Project Cost:			0	36,000	0
Lincoln	4319	KY-1194	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1194 IN LINCOLN COUNTY	PL DN RW UT CN	GR			24,000
				Project Cost:			0	0	24,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Lincoln	4320	KY-39	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-39 IN LINCOLN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			28,000
				Project Cost:			0	0	28,000
Lincoln	80000	US-127	NEW INTERCHANGE(O)	NEW TURNING LANE AT ARCADIA VIEW DRIVE(18CCN)	PL				
					DN	SPP		110,000	
					RW	SPP		60,000	
					UT	SPP		60,000	
					CN	SPP			840,000
				Project Cost:			0	230,000	840,000
Lincoln	80001	US-150	NEW INTERCHANGE(O)	US 150 NEW TURNING LANE NEAR HUBBLE ROAD AND CRAWFORD LANE(18CCN)	PL				
					DN	SPP		100,000	
					RW				
					UT	SPP		50,000	
					CN	SPP			350,000
				Project Cost:			0	150,000	350,000
Lincoln	80009	US-27	MINOR WIDENING(O)	EXPAND US-27 TO FOUR LANES FROM THE WALMART IN STANFORD TO THE GARRARD COUNTY LINE(18CCN)	PL				
					DN	FED		2,100,000	
					RW	FED			7,500,000
					UT				
					CN				
				Project Cost:			0	2,100,000	7,500,000
LINCOLN	80110		GUARDRAIL REPLCMNT(P)	INSTALL GUARD RAIL ON GOSHEN RD AT DIX RIVER BRIDGE	PL				
					DN				
					RW				
					UT				
					CN	GR		25,000	
				Project Cost:			0	25,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1061

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
LINCOLN	80111	US-150	CONGESTION MITIGTN(O)	INSTALL TURN LANE AT DOLLAR GENERAL STORE ON US 150	PL				
					DN	SPP		100,000	
					RW				
					UT				
					CN	SPP			900,000
				Project Cost:			0	100,000	900,000
Total for LINCOLN county					PL				
					DN			2,410,000	
					RW			60,000	7,500,000
					UT			110,000	
					CN			6,604,000	2,153,000
				Total Amounts:			0	9,184,000	9,653,000
Livingston	330	US-60	RELOCATION(O)	PADUCAH-HENDERSON; RELOCATE US-60 FROM EAST OF THE TENNESSEE RIVER BRIDGE TO EAST OF RUDD-SPEES ROAD (00CCR)(12CCR) (14CCR)	PL				
					DN				
					RW	SPP		3,310,000	
					UT	SPP		1,690,000	
					CN				
				Project Cost:			0	5,000,000	0
Livingston	1142	US-60	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON US 60 OVER THE CUMBERLAND RIVER 0.27 MILE N OF KY 70 070B00017N.	PL				
					DN				
					RW				
					UT				
					CN	BR		15,000,000	
				Project Cost:			0	15,000,000	0
Livingston	1142.0001	US-60	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON US 60 OVER THE CUMBERLAND RIVER 0.27 MILE N OF KY 70 070B00017N.	PL				
					DN				
					RW				
					UT				
					CN	BR			15,000,000
				Project Cost:			0	0	15,000,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Livingston county					PL				
					DN				
					RW			3,310,000	
					UT			1,690,000	
					CN			15,000,000	15,000,000
				Total Amounts:			0	20,000,000	15,000,000
Logan	8908	KY-2349	BRIDGE REPLACEMENT(P)	IMPROVE SAFETY BY IMPROVING SIGHT LINES	PL				
				CROSSING RAILROAD BETWEEN STOCKYARDS	DN	SPP		170,000	
				AND INDUSTRIAL PARK. (16CCN)(18CCN)	RW	SPP			120,000
					UT	SPP			170,000
					CN				
				Project Cost:			0	170,000	290,000
Logan	10010	US-79	BRIDGE REHAB(P)	REPLACE BRIDGE ON US 79 TO WIDEN TO 4	PL				
				LANES FOR FREIGHT MOVEMENT AND IMPROVE	DN	BR		100,000	
				SAFETY. BRIDGE ID (071B00025N)(BRIDGE	RW	BR			150,000
				OVER WHIPPOORWILL CREEK) AT MP 4.65	UT	BR			270,000
					CN				
				Project Cost:			0	100,000	420,000
Logan	80050	US-79	MINOR WIDENING(O)	WIDEN US-79 TO 4 LANES FROM TODD COUNTY	PL				
				LINE TO INTERSECTION WITH RUSSELLVILLE	DN	FED			1,500,000
				BYPASS.(18CCN)	RW				
					UT				
					CN				
				Project Cost:			0	0	1,500,000
LOGAN	80100	US-79	BRIDGE REPLACEMENT(P)	REPLACE AND WIDEN BRIDGETO 4 LANES ON	PL				
				US-79 AT MP 2.921	DN	SPP		325,000	
					RW	SPP			400,000
					UT	SPP			300,000
					CN				
				Project Cost:			0	325,000	700,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1063

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
LOGAN	80101	US-79	BRIDGE REPLACEMENT(P)	REPLACE AND WIDEN TO 4 LANES BRIDGE ON US-79 AT MP 5.950 (BRIDGE OVER DRY FORK)	PL				
					DN	SPP		300,000	
					RW	SPP			150,000
					UT	SPP			250,000
					CN				
					Project Cost:		0	300,000	400,000
Total for LOGAN county					PL				
					DN			895,000	1,500,000
					RW				820,000
					UT				990,000
					CN				
					Total Amounts:		0	895,000	3,310,000
LYON	187.6	US-641	RELOCATION(O)	RELOCATE US-641 FROM SOUTH OF THE LYON/CALDWELL COUNTY LINE TO FREDONIA, 4.5 MILES.	PL				
					DN	FED			1,800,000
					RW				
					UT				
					CN				
					Project Cost:		0	0	1,800,000
Total for LYON county					PL				
					DN				1,800,000
					RW				
					UT				
					CN				
					Total Amounts:		0	0	1,800,000
Madison	192.2	PF-9999	NEW ROUTE(O)	CONSTRUCT 4-LANE BEREIA BYPASS SECTION 2; FROM 150' EAST OF US-25, SE TO KY-21. PHASE 1 - BEREIA BYPASS FROM US-25 TO KY-1016.(2004BOPC)(08CCR)(12CCR)(18CCN)	PL				
					DN				
					RW				
					UT				
					CN	SPP	23,720,000		
					Project Cost:		23,720,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Madison	235	KY-52	RECONSTRUCTION(O)	IMPROVE KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)(14CCR) (DESIGN/BUILD)(16CCR)(18CCR)	PL DN RW UT CN	FED FED	3,930,000	3,490,000	
				Project Cost:			3,930,000	3,490,000	0
Madison	235.0001	KY-52	RECONSTRUCTION(O)	IMPROVE KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)(14CCR) (DESIGN/BUILD)(16CCR)(18CCR)	PL DN RW UT CN	FED			4,500,000
				Project Cost:			0	0	4,500,000
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 CN	FED			3,750,000
				Project Cost:			0	0	3,750,000
Madison	8853	KY-2881	SPOT IMPROVEMENTS(O)	PROPOSED ROADWAY IMPROVEMENTS FROM DUNCANNON RD TO THE MADISON CO AIRPORT TO INCLUDE CALEST RD (KY 2881 MP.783-MP 2.780), JOHN BALLARD RD (KY 2877 MP0-MP.806 & CR 1236 MP0-MP.429) FROM	PL DN RW UT CN	SPP			900,000
				Project Cost:			0	0	900,000
Madison	10001	KY-1984	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-1984 BRIDGE OVER TATES CREEK. (076B00071N)	PL DN RW UT CN	BR BR	90,000 980,000		
				Project Cost:			1,070,000	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Madison	20017	I-75	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 73.408 TO MILEPOINT 83.4	PL DN RW UT CN	PM			1,200,000
Project Cost:							0	0	1,200,000
MADISON	80101	US-421	CONGESTION MITIGTN(O)	ADD A LEFT TURN LANE ON US 421 INTO THE KINGSTON ELEMENTARY SCHOOL	PL DN RW UT CN	SPP SPP SPP SPP		45,000 220,000 290,000	230,000
Project Cost:							0	555,000	230,000
Total for MADISON county					PL DN RW UT CN		90,000 3,930,000 24,700,000	45,000 220,000 3,490,000	2,100,000 8,480,000
Total Amounts:							28,720,000	4,045,000	10,580,000
Magoffin	213	KY-40	TRANSP ENHANCEMENT(P)	ROADWAY IMPROVEMENTS AND SIDEWALK CONSTRUCTION ALONG KY 40 (MP 0.145-0.660) TO BETTER FACILITATE ALTERNATIVE TRANSPORTATION METHODS (2018BOP).	PL DN RW UT CN	FED			2,315,000
Project Cost:							0	0	2,315,000
Magoffin	4307	KY-40	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-40 IN MAGOFFIN COUNTY	PL DN RW UT CN	GR		63,000	
Project Cost:							0	63,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Magoffin	8901	US-460	RECONSTRUCTION(O)	IMPROVE US-460 IN MAGOFFIN COUNTY AT IVY POINT HILL WEST OF SALYERSVILLE. (16CCN)	PL				
					DN				
					RW	FED		830,000	
					UT	FED			440,000
					CN				
				Project Cost:			0	830,000	440,000
MAGOFFIN	80101	US-460	MAJOR WIDENING(O)	IMPROVE US 460 FROM THE INTERSECTION WITH KY 114 TO THE INTERCHANGE WITH US 23	PL				
					DN	SPP			2,000,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	2,000,000
Total for MAGOFFIN county					PL				
					DN				2,000,000
					RW			830,000	2,315,000
					UT				440,000
					CN			63,000	
				Total Amounts:			0	893,000	4,755,000
MARION	8715	KY-49	NEW ROUTE(O)	KY 49 FROM RIVERSIDE BRIDGE (B76) TO KY 337 IN BRADFORDSVILLE (12CCN)	PL				
					DN	SPP			1,770,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	1,770,000
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)(18CCN)	PL				
					DN				
					RW	FED		160,000	
					UT	FED			730,000
					CN				
				Project Cost:			0	160,000	730,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1067

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Marion	8917	US-68	MAJOR WIDENING(O)	HEARTLAND PARKWAY: ADDRESS SAFETY AND MOBILITY CONCERNS ON US 68 FROM KY 1799 (AIRPORT RD) IN TAYLOR COUNTY TO THE LEBANON BYPASS IN MARION COUNTY. (BUILD PROJECT)	PL DN RW UT CN	FED  FED FED	150,000	1,500,000	7,700,000
Project Cost:							150,000	1,500,000	7,700,000
Marion	10003	CR-1127	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF WHITE OAK CRK RD BRIDGE OVER WHITE OAK CREEK. (078C00035N)	PL DN RW UT CN	BR   BR	60,000		
Project Cost:							410,000	0	0
							470,000	0	0
MARION	80152	US-68	CONGESTION MITIGTN(O)	REDUCE CONGESTION AT MAJOR INTERSECTION IN FRONT OF NEW SCHOOL MP 12.2 TO 12.8	PL DN RW UT CN	FED			500,000
Project Cost:							0	0	500,000
MARION	80153	KY-2154	NEW ROUTE(O)	NEW BYPASS FROM KY 2154 TO BRADFORDVILLE HWY	PL DN RW UT CN	FED			1,800,000
Project Cost:							0	0	1,800,000
Total for MARION county					PL DN RW UT CN		60,000 150,000  1,500,000 410,000	 160,000  730,000	4,070,000  730,000
Total Amounts:							620,000	1,660,000	12,500,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Marshall	398	US-62	MAJOR WIDENING(O)	IMPROVE ACCESS AND REDUCE CONGESTION ON US-62 FROM KY-95 TO THE EXISTING FOUR-LANE HIGHWAY AT LONE VALLEY RD NEAR I-24 INTERCHANGE AND FUTURE I-69 CONNECTION.	PL				
					DN	FED		750,000	
					RW	FED			250,000
					UT	FED			500,000
					CN				
					Project Cost:		0	750,000	750,000
Marshall	20016	US-641	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL				
					DN	PM	75,000		
					RW				
					UT				
					CN	PM	750,000		
					Project Cost:		825,000	0	0
Total for Marshall county					PL				
					DN		75,000	750,000	
					RW				250,000
					UT				500,000
					CN		750,000		
					Total Amounts:		825,000	750,000	750,000
Martin	4312	KY-1224	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1224 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			28,000
					Project Cost:		0	0	28,000
Martin	4313	KY-3	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			50,000
					Project Cost:		0	0	50,000

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1069

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Martin	4328	KY-2032	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-2032 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			74,000
				Project Cost:			0	0	74,000
Martin	4329	KY-292	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			64,000
				Project Cost:			0	0	64,000
Martin	4330	KY-292	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			24,000
				Project Cost:			0	0	24,000
Martin	4331	KY-292	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			21,000
				Project Cost:			0	0	21,000
Martin	4332	KY-292	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			210,000
				Project Cost:			0	0	210,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Martin	4480	KY-908	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		89,000	
				Project Cost:			0	89,000	0
Total for Martin county					PL				
					DN				
					RW				
					UT				
					CN			89,000	471,000
				Total Amounts:			0	89,000	471,000
Mason	4304	KY-10	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-10 IN MASON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		64,000	
				Project Cost:			0	64,000	0
Mason	4308	US-62	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-62 IN MASON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			96,000
				Project Cost:			0	0	96,000
Mason	4309	US-62	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-62 IN MASON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			106,000
				Project Cost:			0	0	106,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Mason	4330	KY-10	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-10 IN MASON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		93,000	
				Project Cost:			0	93,000	0
Mason	4333	KY-10	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-10 IN MASON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		85,000	
				Project Cost:			0	85,000	0
Mason	4336	US-62	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-62 IN MASON COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		112,000	
				Project Cost:			0	112,000	0
Mason	8906	KY-3056	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON KY 3056 OVER SOUTH FORK LAWRENCE CREEK. (16CCN)(081B00020N)	PL				
					DN				
					RW				
					UT				
					CN	BR	630,000		
				Project Cost:			630,000	0	0
Mason	8911	CR-1019	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF THE BRIDGE ON KENNEDY CREEK ROAD. (16CCN)(081C00009N)	PL				
					DN				
					RW				
					UT				
					CN	BR	520,000		
				Project Cost:			520,000	0	0

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Mason	10013	US-68	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON WILLIAM HARSHA BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (081B00069N)(BSBP)(SD)	PL DN RW UT CN	BR	2,900,000		
Project Cost:							2,900,000	0	0
Mason	20011	US-68	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL DN RW UT CN	PM			825,000
Project Cost:							0	0	825,000
MASON	80107	KY-9	SAFETY(P)	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF THE INTERSECTION OF KY 9 (AA) AND US 62 LOCATED IN MAYSVILLE.	PL DN RW UT CN	SPP SPP		198,000	700,000
Project Cost:							0	198,000	700,000
Total for MASON county					PL DN RW UT CN			198,000	825,000
									700,000
							4,050,000	354,000	202,000
Total Amounts:							4,050,000	552,000	1,727,000
McCracken	2	I-24	AM-BRIDGE (P)	I-24 BRIDGE OVER THE OHIO RIVER @ PADUCAH (B100); JOINT PROJECT WITH ILLINOIS TO MITIGATE SCOUR (073B00100N)(BSBP)(SD)	PL DN RW UT CN	BR	260,000		
Project Cost:							260,000	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
McCracken	115.1	US-60	MAJOR WIDENING(O)	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM BETHEL CHURCH ROAD TO KY-1154 (MARTIN MARIETTA) (04CCR) (TO BE LET WITH 1-115.00). (10CCR)(12CCR)(18CCR)	PL DN RW UT CN	FED FED		2,790,000 2,600,000	
Project Cost:							0	5,390,000	0
McCracken	152	US-62	MAJOR WIDENING(O)	MAJOR WIDENING OF US-62 FROM KY-998 TO PADUCAH INFORMATION AGE PARK. (12CCR)	PL DN RW UT CN	FED		5,720,000	
Project Cost:							0	5,720,000	0
McCracken	153	KY-1286	RECONSTRUCTION(O)	IMPROVE KY-1286 (FRIENDSHIP ROAD) FROM MP 3.6 TO MP 6.4 IN PADUCAH. (PRELIMINARY ENGINEERING) (12CCR)(14CCR)(16CCN)(18CCR)	PL DN RW UT CN	FED FED		2,480,000	2,310,000
Project Cost:							0	2,480,000	2,310,000
McCracken	1154	KY-994	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER BRANCH OF BOTTOM DITCH ON KY 994 0.8 MI NW OF KY 348 (073B00015N)(EBRP)	PL DN RW UT CN	BR BR	160,000 791,000		
Project Cost:							951,000	0	0
McCracken	10006	I-24	AM-BRIDGE (P)	ADDRESS DEFICIENCIES ON I-24 BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH ILLINOIS. (073B00100N)(BSBP)(SD)	PL DN RW UT CN	BR	2,000,000		
Project Cost:							2,000,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
McCracken	10007	I-24	AM-BRIDGE (P)	ADDRESS DEFICIENCIES WITH BRIDGE LIGHTING ON I-24 BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH ILLINOIS. (073B000100N)(BSBP (SD)	PL DN RW UT CN	BR	375,000		
Project Cost:							375,000	0	0
Total for McCracken county					PL DN RW UT CN		160,000	5,270,000	2,310,000
Total Amounts:							3,426,000	5,720,000	2,310,000
McCreary	151	KY-92	Pavement (P)	KY 92 SURFACING (MCCREARY AND WHITLEY COUNTIES).	PL DN RW UT CN	FED			9,568,000
Project Cost:							0	0	9,568,000
McCreary	1065	CR-1239	AM-BRIDGE (P)	BRIDGE OVER ROCK CREEK ON OLD FIDELITY-BELL FARM ROAD (CR 1239) 0.25 MI W OF ROCK CREEK ROAD (CR 1236) (074C00008N) (SR=22)	PL DN RW UT CN	BR	160,000		
Project Cost:							460,000	0	0
MCCREARY	80101	US-27	SAFETY(P)	IMPROVE SAFETY BY CONSTRUCTING TURN LANES INTO COMMUNITY PARK AND WHITLEY CITY ELEMENTARY	PL DN RW UT CN	SPP		811,000	
Project Cost:							0	811,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
MCCREARY	80102	US-27	CONGESTION MITIGTN(O)	PROVIDE CONNECTIVITY, IMPROVE MOBILITY AND RESPONSE FROM US 27 TO MCCREARY COUNTY HIGH SCHOOL	PL DN RW UT CN	SPP		541,000	
					Project Cost:		0	541,000	0
MCCREARY	80103		NEW ROUTE(O)	IMPROVE MOBILITY AND SAFETY RR CROSSING ELIMINATION BY CONSTRUCTING BRIDGE BETWEEN SOUTHERN HIGHWAY AND MURRAY WILSON RD	PL DN RW UT CN	SPP		550,000	
					Project Cost:		0	550,000	0
Total for MCCREARY county					PL DN RW UT CN		160,000	1,902,000	
					Total Amounts:		460,000		9,568,000
							620,000	1,902,000	9,568,000
McLean	1090	KY-2385	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER BRANCH OF POND DRAIN CREEK ON KY 2385 0.9 MI SW OF KY 81 (075B00066N)	PL DN RW UT CN	BR	440,000		
					Project Cost:		784,000	0	0
							1,224,000		
McLean	4304	US-431	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL DN RW UT CN	GR			19,000
					Project Cost:		0	0	19,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
McLean	8400	US-431	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS AT THE INTERSECTION OF US-431 AND KY-250. (08CCN)(12CCR)(18CCN)	PL				
					DN				
					RW	SPP	210,000		
					UT	SPP		190,000	
					CN	SPP			1,020,000
				Project Cost:			210,000	190,000	1,020,000
McLean	8852	KY-56	RECONSTRUCTION(O)	CORRECT LINE OF SIGHT WITH INTERSECTION OF KY 56 & KY 1233. (14CCN)(18CCN)	PL				
					DN				
					RW	SPP		70,000	
					UT	SPP		70,000	
					CN	SPP			1,740,000
				Project Cost:			0	140,000	1,740,000
Total for McLean county					PL				
					DN		440,000		
					RW		210,000	70,000	
					UT			260,000	
					CN		784,000		2,779,000
				Total Amounts:			1,434,000	330,000	2,779,000
Meade	8702	KY-79	RECONSTRUCTION(O)	ADDRESS SAFETY AND GEOMETRIC DEFICINCIES ON KY 79 FROM KY 428 TO KY 144.(12CCN) (14CCR)(18CCN)	PL				
					DN	SPP		400,000	
					RW	SPP			300,000
					UT	SPP			900,000
					CN				
				Project Cost:			0	400,000	1,200,000
Meade	8705	KY-79	RECONSTRUCTION(O)	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)(14CCR)(18CCN)	PL				
					DN				
					RW				
					UT	SPP		4,500,000	
					CN				
				Project Cost:			0	4,500,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Meade county					PL				
					DN			400,000	
					RW				300,000
					UT			4,500,000	900,000
					CN				
					Total Amounts:		0	4,900,000	1,200,000
Menifee	4308	US-460	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-460 IN MENIFEE COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			19,000
					Project Cost:		0	0	19,000
Menifee	8802	US-460	SAFETY(P)	IMPROVE SAFETY AND GEOMETRICS ON US-460 FROM THE END OF ROTHWELL HILL IMPROVEMENTS TO THE BRIDGE OVER BEAVER CREEK. (14CCN)(16CCR)(18CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED			2,000,000
					Project Cost:		0	0	2,000,000
Total for Menifee county					PL				
					DN				
					RW				
					UT				
					CN				2,019,000
					Total Amounts:		0	0	2,019,000
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	SPP		250,000	
					UT	SPP			240,000
					CN				
					Project Cost:		0	250,000	240,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for MERCER county					PL				
					DN				
					RW			250,000	
					UT				240,000
					CN				
				Total Amounts:			0	250,000	240,000
Metcalfe	8706	US-68	SPOT IMPROVEMENTS(O)	SPOT IMPROVEMENTS ON US-68 FROM THE CUMBERLAND PARKWAY TO THE GREEN/METCALFE COUNTY LINE.(12CCN)	PL				
				(16CCN)(18CCN)	DN				
					RW	FED		900,000	
					UT	FED		1,100,000	
					CN				
				Project Cost:			0	2,000,000	0
Metcalfe	8859	KY-163	RECONSTRUCTION(O)	RECONSTRUCT KY 163 AS A NEW ROUTE ON 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		1,090,000	
					RW				
					UT				
					CN				
				Project Cost:			0	1,090,000	0
Metcalfe	10006	CR-1108	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF MOSBY RIDGE RD BRIDGE OVER E FORK LITTLE BARREN RVR. (085C00005N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	520,000		
				Project Cost:			610,000	0	0
Metcalfe	20013	LN-9008	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 22.357 TO MILEPOINT 36.16	PL				
					DN	PM			1,100,000
					RW				
					UT				
					CN				
				Project Cost:			0	0	1,100,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Metcalfe county					PL				
					DN		90,000	1,090,000	1,100,000
					RW			900,000	
					UT			1,100,000	
					CN		520,000		
				Total Amounts:			610,000	3,090,000	1,100,000
Monroe	128.11	KY-214	FERRY OPERATION(P)	OPERATION OF TURKEY NECK BEND FERRY FOR	PL				
				FY 2020.(12CCR)	DN				
					RW				
					UT				
					CN	SPP		865,000	
				Project Cost:			0	865,000	0
Monroe	128.1101	KY-214	FERRY OPERATION(P)	OPERATION OF TURKEY NECK BEND FERRY FOR	PL				
				FY 2020.(12CCR)	DN				
					RW				
					UT				
					CN	SPP			865,000
				Project Cost:			0	0	865,000
MONROE	8954	KY-63	RECONSTRUCTION(O)	RECONSTRUCT INTERSECTION OF KY 63 AND	PL				
				POPLAR LOG CHURCH ROAD	DN	SPP		250,000	
					RW	SPP		410,000	
					UT	SPP			510,000
					CN	SPP			960,000
				Project Cost:			0	660,000	1,470,000
Monroe	80003	KY-100	BRIDGE REPLACEMENT(P)	REPLACE BRIDGE ON KY-100 BETWEEN MP 14.7	PL				
				AND 14.9. (18CCN)	DN	BR	280,000		
					RW	BR		180,000	
					UT	BR		570,000	
					CN	BR			790,000
				Project Cost:			280,000	750,000	790,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Monroe county					PL				
					DN		280,000	250,000	
					RW			590,000	
					UT			570,000	510,000
					CN			865,000	2,615,000
				Total Amounts:			280,000	2,275,000	3,125,000
Montgomery	240	KY-1991	MAJOR WIDENING(O)	WIDEN KY-1991 FROM MAYSVILLE ROAD TO	PL				
				MIDLAND TRAIL INDUSTRIAL PARK,	DN				
				MONTGOMERY COUNTY. (SEE 7-8501.00 FOR	RW	FED		1,000,000	
				"SPB" FUNDS) (2005HPP-KY129)	UT	FED		1,820,000	
					CN				
				Project Cost:			0	2,820,000	0
Montgomery	240.01	KY-1991	MAJOR WIDENING(O)	WIDEN KY 1991 FROM MAYSVILLE ROAD TO	PL				
				MIDLAND TRAIL INDUSTRIAL PARK,	DN				
				MONTGOMERY COUNTY (SEE 7-8501.00 FOR	RW	HPP	559,899		
				"SPB" FUNDS)(2005HPP-KY129)	UT				
					CN				
				Project Cost:			559,899	0	0
Montgomery	411	KY-1991	MINOR WIDENING(O)	UPGRADE HINKSTON PIKE IN MT. STERLING	PL				
				FROM NEW MIDLAND TRAIL TO THE NEW	DN				
				INDUSTRIAL PARK ENTRANCE (INCLUDES	RW				
				EXTENSION OF INDUSTRIAL ACCESS ROAD TO	UT				
				HINKSTON PIKE). (12CCR)(18CCN)	CN	SPP			5,070,000
				Project Cost:			0	0	5,070,000
Montgomery	8810	US-60	MAJOR WIDENING(O)	WIDEN EXISTING PAVEMENT & IMPROVE	PL				
				VERTICAL & HORIZONTAL CURVES FROM	DN				
				EXISTING MT STERLING BYPASS (KY 686) TO	RW	FED			2,300,000
				500' W OF BENTBROOK SUBDIVISION. ADD FULL	UT				
				WIDTH SHOULDERS & A CENTER TURNING LANE	CN				
				Project Cost:			0	0	2,300,000



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Montgomery county					PL				
					DN				
					RW		559,899	1,000,000	2,300,000
					UT			1,820,000	
					CN				5,070,000
Total Amounts:							559,899	2,820,000	7,370,000
					PL				
					DN				
					RW				
					UT				
					CN	FED		1,500,000	
Project Cost:							0	1,500,000	0
					PL				
					DN				
					RW	SPP			2,090,000
					UT	SPP			500,000
					CN				
Project Cost:							0	0	2,590,000
					PL				
					DN	BR	260,000		
					RW				
					UT				
					CN	BR	850,000		
Project Cost:							1,110,000	0	0
					PL				
					DN		260,000		
					RW				2,090,000
					UT				500,000
					CN		850,000	1,500,000	
Total Amounts:							1,110,000	1,500,000	2,590,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Muhlenberg	4319	KY-181	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-181 IN MUHLENBERG COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		8,000	
				Project Cost:			0	8,000	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)(18CCN)	PL				
					DN				
					RW	FED		790,000	
					UT	FED		1,900,000	
					CN	FED			3,490,000
				Project Cost:			0	2,690,000	3,490,000
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)(18CCN)	PL				
					DN	SPP		780,000	
					RW				
					UT				
					CN				
				Project Cost:			0	780,000	0
MUHLENBERG	80100	KY-246	AIR QUALITY(P)	ADDRESS SAFETY AND MOBILITY ISSUES AT KY 246 INTERSECTION WITH KY 176	PL				
					DN	SPP		150,000	
					RW	SPP			200,000
					UT	SPP			350,000
					CN				
				Project Cost:			0	150,000	550,000
MUHLENBERG	80101		AIR QUALITY(P)	ADDRESS SAFETY AND MOBILITY ISSUES AT THE INTERSECTION OF KY 81 AND KY 181	PL				
					DN	SPP		100,000	
					RW	SPP			150,000
					UT	SPP			150,000
					CN				
				Project Cost:			0	100,000	300,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for MUHLENBERG county					PL				
					DN			1,030,000	
					RW			790,000	350,000
					UT			1,900,000	500,000
					CN			8,000	3,490,000
				Total Amounts:			0	3,728,000	4,340,000
Nelson	396.1	US-150	RECONSTRUCTION(O)	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS	PL				
				ON US-150 FROM THE BLUEGRASS PARKWAY	DN	FED		1,200,000	
				TO THE NELSON/WASHINGTON COUNTY LINE.	RW				
				(2016BOP)(18CCR)	UT				
					CN				
				Project Cost:			0	1,200,000	0
Nelson	1078	US-62	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGES ON US 62	PL				
				(HINKLE CREEK) AND KY 48 IN BLOOMFIELD	DN				
				090B00096N (SR 28.2) 090B00095N (12CCR)	RW				
					UT				
					CN	BR	1,800,000		
				Project Cost:			1,800,000	0	0
Nelson	8309.1	US-150	MAJOR WIDENING(O)	IMPROVE US-150 FROM WEST OF KY-245	PL				
				THROUGH THE BLUEGRASS PARKWAY	DN				
				INTERCHANGE TO EAST OF LESLIE BALLARD LN	RW				
				(CR 1110). (06CCN)(2006BOPC)(12CCR)(14CCR)	UT				
				(16CCR)(18CCR)	CN	FED		6,000,000	
				Project Cost:			0	6,000,000	0
Nelson	8309.1001	US-150	MAJOR WIDENING(O)	IMPROVE US-150 FROM WEST OF KY-245	PL				
				THROUGH THE BLUEGRASS PARKWAY	DN				
				INTERCHANGE TO EAST OF LESLIE BALLARD LN	RW				
				(CR 1110). (06CCN)(2006BOPC)(12CCR)(14CCR)	UT				
				(16CCR)(18CCR)	CN	FED			6,000,000
				Project Cost:			0	0	6,000,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
NELSON	8809	-0	NEW ROUTE(O)	NEW ROUTE BETWEEN US 62 AND KY 245 WEST OF BARDSTOWN	PL				
					DN				
					RW	FED		1,077,000	
					UT	FED			1,500,000
					CN				
				Project Cost:			0	1,077,000	1,500,000
Nelson	80050	US-62	CONGESTION MITIGTN(O)	CONSTRUCT A ROUNDABOUT AT THE INTERSECTION OF US-31E AND US-62. (LOCALS WILL EXECUTE AN MOA)(18CCN)	PL				
					DN				
					RW				
					UT				
					CN	FED			1,500,000
				Project Cost:			0	0	1,500,000
Total for Nelson county					PL				
					DN			1,200,000	
					RW			1,077,000	
					UT				1,500,000
					CN		1,800,000	6,000,000	7,500,000
				Total Amounts:			1,800,000	8,277,000	9,000,000
Nicholas	205	KY-36	SAFETY(P)	IMPROVE THE KY-36/KY-32 INTERSECTION NEAR THE NICHOLAS COUNTY SCHOOL PROPERTY. (12CCR)(16CCR)	PL				
					DN				
					RW	SPP			1,310,000
					UT				
					CN				
				Project Cost:			0	0	1,310,000
Total for Nicholas county					PL				
					DN				
					RW				1,310,000
					UT				
					CN				
				Total Amounts:			0	0	1,310,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Ohio	2092.2	WN-9007	I-CHANGE RECONST(O)	I-65 SPUR CORRIDOR; RECONSTRUCT THE EXISTING NATCHER PARKWAY/KY-69 INTERCHANGE (EXIT 50) IN OHIO COUNTY. (2016BOP)	PL DN RW UT CN	FED		9,000,000	
Project Cost:							0	9,000,000	0
Ohio	4302	KY-69	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-69 IN OHIO COUNTY	PL DN RW UT CN	GR			32,000
Project Cost:							0	0	32,000
Ohio	4303	KY-69	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-69 IN OHIO COUNTY	PL DN RW UT CN	GR			43,000
Project Cost:							0	0	43,000
Ohio	8812	KY-136	RECONSTRUCTION(O)	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 FROM KY-56 IN MCLEAN COUNTY TO US-231 IN OHIO COUNTY. (14CCN)	PL DN RW UT CN	FED FED		490,000	1,350,000
Project Cost:							0	490,000	1,350,000
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. (16CCN)(18CCN)	PL DN RW UT CN	SPP		750,000	
Project Cost:							0	750,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Ohio	10016	CR-1510	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF QUARTERHORSE LN BRIDGE OVER N FK PANTHER CREEK. (092C00133N)	PL DN RW UT CN	BR    BR	90,000    440,000		
Project Cost:							530,000	0	0
Ohio	20039	WK-9001	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 65.68 TO MILEPOINT 83.3	PL DN RW UT CN	    PM		20,878,000	
Project Cost:							0	20,878,000	0
Ohio	20049	KY-136	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON KY-136 FROM MILEPOINT 0.00 TO MILEPOINT 9.60	PL DN RW UT CN	    PM			1,250,000
Project Cost:							0	0	1,250,000
Total for Ohio county					PL DN RW UT CN		90,000    440,000	750,000 490,000  29,878,000	1,350,000 1,325,000
Total Amounts:							530,000	31,118,000	2,675,000
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	    FED		12,470,000	
Project Cost:							0	12,470,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Oldham	367.2	PF-9999	NEW ROUTE(O)	EXTENSION OF OLD HENRY ROAD EAST TO ASH AVENUE (KY362). (12CCR)(18CCN)	PL DN RW UT CN	FED		12,000,000	
				Project Cost:			0	12,000,000	0
Oldham	483.1	I-71	MAJOR WIDENING(O)	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-329 (MP 14.1) TO KY-393 (MP 18.0). (16CCN)	PL DN RW UT CN	FED FED FED	2,000,000		1,900,000 1,700,000
				Project Cost:			2,000,000	0	3,600,000
Oldham	483.3	I-71	NEW INTERCHANGE(O)	CONSTRUCT NEW I-71 INTERCHANGE BETWEEN KY-393 AND KY-53 TO RELIEVE CONGESTION IN LAGRANGE.	PL DN RW UT CN	FED FED FED		3,000,000 1,900,000	12,000,000
				Project Cost:			0	4,900,000	12,000,000
Oldham	4306	KY-1793	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1793 IN OLDHAM COUNTY	PL DN RW UT CN	GR		30,000	
				Project Cost:			0	30,000	0
Oldham	80005	KY-329	SAFETY(P)	IMPROVE THE INTERCHANGE OF I 71 AND KY 329. (18CCN)	PL DN RW UT CN	FED FED FED	370,000	150,000	340,000
				Project Cost:			370,000	150,000	340,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Oldham	80050	KY-329	SAFETY(P)	CONSTRUCT A TURN LANE ON KY 329 BYPASS AT DOVEFIELD DRIVE.(18CCN)	PL				
					DN				
					RW				
					UT				
					CN	SPP		360,000	
				Project Cost:			0	360,000	0
Total for Oldham county					PL				
					DN		2,370,000		
					RW			3,150,000	1,900,000
					UT			1,900,000	2,040,000
					CN			24,860,000	12,000,000
				Total Amounts:			2,370,000	29,910,000	15,940,000
Owen	198	KY-22	RECONSTRUCTION(O)	IMPROVE SAFETY ON KY-22 FROM KY-227 TO KY-845. (06CCR)(08CCN)(12CCR)(14CCR)	PL				
					DN				
					RW				
					UT				
					CN	SPP	5,200,000		
				Project Cost:			5,200,000	0	0
Owen	1088	CR-1214	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER CEDAR CREEK ON SAWDRIDGE CREEK W ROAD (CR 1214) 0.2 MI N OF US 127 (094C00011N)	PL				
					DN				
					RW				
					UT				
					CN	BR	750,000		
				Project Cost:			750,000	0	0
Total for Owen county					PL				
					DN				
					RW				
					UT				
					CN		5,950,000		
				Total Amounts:			5,950,000	0	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Pendleton	8706	US-27	MAJOR WIDENING(O)	IMPROVE SAFETY ON US-27 FROM BUTLER IN PENDLETON COUNTY TO SOUTH OF KY-154 IN CAMPBELL COUNTY.(12CCN)(14CCR)	PL DN RW UT CN	FED	5,000,000		
Project Cost:							5,000,000	0	0
Total for Pendleton county					PL DN RW UT CN		5,000,000		
Total Amounts:							5,000,000	0	0
PERRY	269.2	KY-15	MAJOR WIDENING(O)	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28. (14CCN)	PL DN RW UT CN	SPP		1,500,000	
Project Cost:							0	1,500,000	0
Perry	1113	CR-1114	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER NORTH FORK KENTUCKY RIVER ON KENMONT ROAD (CR 1114) 380 FT SE OF KY 7 (097C00005N)	PL DN RW UT CN	BR	90,000		
Project Cost:							1,770,000		
							1,860,000	0	0
Perry	8903	HR-9006	NEW INTERCHANGE(O)	NEW INTERCHANGE OFF OF A NEW EXIT 55 HAL ROGERS PARKWAY. (16CCN)(18CCN)	PL DN RW UT CN	FED	1,200,000		
							330,000		
								11,250,000	
Project Cost:							1,530,000	11,250,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Perry	10004	CR-1115	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF GEORGES BRANCH RD BRIDGE OVER GEORGES BRANCH. (097C00007N)	PL DN RW UT CN	BR	90,000    180,000		
Project Cost:							270,000	0	0
Perry	10006	CR-1083	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF HALL OLD HOME PLACE BRIDGE OVER BIG CREEK. (097C00084N)	PL DN RW UT CN	BR	60,000    580,000		
Project Cost:							640,000	0	0
Perry	20002	HR-9006	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF HAL ROGERS DANIEL BOONE PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 55.966 TO MILEPOINT 57.166	PL DN RW UT CN	PM			50,000
Project Cost:							0	0	500,000
PERRY	80100	CO-0	NEW ROUTE(O)	NEW IMPROVED ACCESS TO WENDALL FORD AIRPORT	PL DN RW UT CN	SPP		1,200,000	
Project Cost:							0	1,200,000	1,400,000
									300,000
Total for PERRY county							240,000	2,700,000	50,000
							1,200,000		1,400,000
							330,000		300,000
							2,530,000	11,250,000	500,000
Total Amounts:							4,300,000	13,950,000	2,250,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1091

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Pike	198	KY-194	RECONSTRUCTION(O)	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT. (18CCR)	PL DN RW UT CN	FED			2,100,000
Project Cost:							0	0	2,100,000
Pike	263.67	PF-9999	RELOCATION(O)	PIKEVILLE TO VA. STATE LINE: IMPROVE US 460/KY 80 FROM DUNLEARY HOLLOW TO KY 80 AT BEAVER CREEK (SECTION 6C) BRIDGE ONLY.(14CCN)(16CCR)	PL DN RW UT CN	FED		10,000,000	
Project Cost:							0	10,000,000	0
Pike	263.6701	PF-9999	RELOCATION(O)	PIKEVILLE TO VA. STATE LINE: IMPROVE US 460/KY 80 FROM DUNLEARY HOLLOW TO KY 80 AT BEAVER CREEK (SECTION 6C) BRIDGE ONLY.(14CCN)(16CCR)	PL DN RW UT CN	FED			10,000,000
Project Cost:							0	0	10,000,000
Pike	4314	KY-194	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL DN RW UT CN	GR			23,000
Project Cost:							0	0	23,000
Pike	4319	KY-194	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL DN RW UT CN	GR			74,000
Project Cost:							0	0	74,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Pike	4382	KY-1426	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1426 IN PIKE COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		51,000	
				Project Cost:			0	51,000	0
Pike	4466	KY-194	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		74,000	
				Project Cost:			0	74,000	0
Pike	4467	KY-194	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		74,000	
				Project Cost:			0	74,000	0
Pike	4468	KY-197	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		172,000	
				Project Cost:			0	172,000	0
Pike	4470	KY-197	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		98,000	
				Project Cost:			0	98,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Pike	4481	KY-1469	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		17,000	
				Project Cost:			0	17,000	0
Pike	10008	KY-199	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-199 BRIDGE OVER PINSONS CREEK. (098B00032N)	PL				
					DN	BR	160,000		
					RW				
					UT				
					CN	BR	670,000		
				Project Cost:			830,000	0	0
Pike	10012	CR-1545	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF MULLEN FRK BRIDGE OVER POND CREEK. (098C00021N)	PL				
					DN	BR	60,000		
					RW				
					UT				
					CN	BR	780,000		
				Project Cost:			840,000	0	0
Pike	20003	US-119	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL				
					DN	PM		175,000	
					RW				
					UT				
					CN	PM		1,750,000	
				Project Cost:			0	1,925,000	0
Total for Pike county					PL				
					DN		220,000	175,000	
					RW				2,100,000
					UT				
					CN		1,450,000	12,236,000	10,097,000
				Total Amounts:			1,670,000	12,411,000	12,197,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Powell	150	CR-1316	RECONSTRUCTION	RECONSTRUCT ROADWAY OUT OF FLOODWAY/FLOODWAY IN ORDER TO ELIMINATE MOUNTAIN PARKWAY ACCESS.	PL DN RW UT CN	FED  FED FED FED	541,000    	  110,000 108,000	    3,150,000
Project Cost:							541,000	218,000	3,150,000
Powell	163.1	KY-213	SAFETY(P)	IMPROVE SAFETY AND UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 213 FROM KY 11 TO KY 615, INCLUDES BRIDGE OVER RED RIVER. (PRIORITY SECTION 1)(R & U FUNDING SEE 10-163.00)(2018BOP)	PL DN RW UT CN	    FED	    	    	    10,130,000
Project Cost:							0	0	10,130,000
Powell	10008	KY-2026	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-2026 BRIDGE OVER RED RIVER. (099B00090N)	PL DN RW UT CN	 BR   BR	210,000   1,120,000	    	    0
Project Cost:							1,330,000	0	0
Total for Powell county					PL DN RW UT CN		751,000    1,120,000	  110,000 108,000	    13,280,000
Total Amounts:							1,871,000	218,000	13,280,000
Pulaski	59.25	KY-461	MAJOR WIDENING(O)	IMPROVE KY-461 FROM KY-80 TO BUCK CREEK BRIDGE, INCLUDING INTERCHANGE AT KY-80. (BUILD PROJECT) (18CCR)	PL DN RW UT CN	    FED	    	    7,000,000	    0
Project Cost:							0	7,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Pulaski	59.2501	KY-461	MAJOR WIDENING(O)	IMPROVE KY-461 FROM KY-80 TO BUCK CREEK BRIDGE, INCLUDING INTERCHANGE AT KY-80. (BUILD PROJECT)(18CCR)	PL DN RW UT CN	FED			16,346,000
				Project Cost:			0	0	16,346,000
Pulaski	4310	KY-196	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-196 IN PULASKI COUNTY	PL DN RW UT CN	GR			35,000
				Project Cost:			0	0	35,000
Pulaski	4324	KY-761	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-761 IN PULASKI COUNTY	PL DN RW UT CN	GR		69,000	
				Project Cost:			0	69,000	0
Pulaski	9010	KY-635	SAFETY-RR SEPARATN(P)	SAFETY PROJECT TO RECONSTRUCT KY 635 TO ELIMINATE AT GRADE RAILROAD CROSSING AND REPLACE WITH RAILROAD SEPARATION CROSSING AT SCIENCE HILL, KENTUCKY IN PULASKI COUNTY. (2016BOP)	PL DN RW UT CN	FED FED FED	1,800,000 1,300,000		6,500,000
				Project Cost:			3,100,000	0	6,500,000
PULASKI	80100		NEW ROUTE(O)	CONSTRUCT CONNECTOR BETWEEN NORTH MIDDLE SCHOOL AND PULASKI COUNTY HIGH SCHOOL	PL DN RW UT CN	SPP SPP SPP SPP		75,000	50,000 95,000 1,300,000
				Project Cost:			0	75,000	1,445,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
PULASKI	80104	KY-90	CONGESTION MITIGTN(O)	REDUCE CONGESTION AND IMPROVE SAFETY, CAPACITY AND MOBILIITY ALONG KY 90 BETWEEN WAYNE COUNTY LINE AND NEW CUMBERLAND RIVER BRIDGE	PL DN RW UT CN	SPP		1,406,000	
					Project Cost:		0	1,406,000	0
PULASKI	80109		PLANNING-OKI(O)	UPGRADE THE CUMBERLAND PARKWAY (EXPRESSWAY) FOR ENTRY INTO THE FEDERAL HIGHWAY SYSTEM AS A SPUR OF I 65	PL DN RW UT CN	SPP		500,000	
					Project Cost:		0	500,000	0
Total for PULASKI county					PL DN RW UT CN			500,000 1,481,000	
							1,800,000		50,000
							1,300,000		95,000
								7,069,000	24,181,000
Total Amounts:							3,100,000	9,050,000	24,326,000
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)(18CCN)	PL DN RW UT CN	SPP			270,000
					Project Cost:		0	0	270,000
ROBERTSON	80151	US-62	AIR QUALITY(P)	WIDEN THE BRIDGE ON US 62 OVER N. BRANCH CEDAR CREEK NEAR KENTONTOWN TO IMPROVE SAFETY AND MOBILITY.	PL DN RW UT CN	BR		170,000	
					Project Cost:		0	170,000	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for ROBERTSON county					PL				
					DN			170,000	
					RW				270,000
					UT				
					CN				
					Total Amounts:		0	170,000	270,000
Rockcastle	8952	KY-461	RECONSTRUCTION(O)	IMPROVE KY-461 FROM US-150 TO THE EXISTING FOUR LANE APPROACH AT US-25. (16CCN)(18CCR)	PL				
					DN				
					RW				
					UT	FED			3,350,000
					CN				
					Project Cost:		0	0	3,350,000
Rockcastle	20005	US-25	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION	PL				
					DN	PM		325,000	
					RW				
					UT				
					CN	PM		3,250,000	
					Project Cost:		0	3,575,000	0
Total for Rockcastle county					PL				
					DN			325,000	
					RW				
					UT				3,350,000
					CN			3,250,000	
					Total Amounts:		0	3,575,000	3,350,000
Rowan	204	KY-32	RECONSTRUCTION(O)	IMPROVE KY-32 FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)(18CCR)	PL				
					DN				
					RW	SPP		2,630,000	
					UT	SPP			2,025,000
					CN				
					Project Cost:		0	2,630,000	2,025,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Rowan	4311	US-60	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		17,000	
				Project Cost:			0	17,000	0
Rowan	4334	US-60	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		78,000	
				Project Cost:			0	78,000	0
Rowan	4337	US-60	SAF-GUARDRAIL	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		4,000	
				Project Cost:			0	4,000	0
Rowan	8406	KY-377	RECONSTRUCTION(O)	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM KY-32 TO NORTH OF KY-799. (08CCN)(10CCR)(16CCR)(18CCR)	PL				
					DN				
					RW	FED		2,600,000	
					UT	SPP			7,700,000
					CN				
				Project Cost:			0	2,600,000	7,700,000
Rowan	8914	CR-1025	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON LITTLE PERRY ROAD OVER TRIPLETT CREEK.(16CCN)	PL				
					DN				
					RW				
					UT				
					CN	BR	700,000		
				Project Cost:			700,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Rowan	8915	KY-801	MAJOR WIDENING(O)	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO. (16CCN) (18CCN)	PL DN RW UT CN	FED		1,560,000	
Project Cost:							0	1,560,000	0
ROWAN	80100	CR-1317	RECONSTRUCTION(O)	ADDRESS DEFICIENCIES ON CIMMARON RD BRIDGE	PL DN RW UT CN	BR		350,000	
Project Cost:							0	350,000	500,000
ROWAN	80108	CR-1391	AIR QUALITY(P)	WIDEN AND SOFTEN CURVE ON CS 1206 (BRATTON BRANCH RD) AT WALMART	PL DN RW UT CN	SPP			150,000
Project Cost:							0	0	150,000
Total for ROWAN county					PL DN RW UT CN			1,910,000 5,230,000 9,775,000 550,000	
Total Amounts:							700,000	99,000	550,000
							700,000	7,239,000	10,375,000
Russell	8601.21	US-127	RELOCATION(O)	RELOCATE US-127 FROM EAST OF THE KY-1730 AND MANNTOWN RD INTERSECTION, AND EXTENDING NORTHERLY TO NORTH BANK OF CUMBERLAND RIVER (SEE 8-108&8-115 FOR PE/PH.2)(12CCR)(14CCR)	PL DN RW UT CN	FED		25,880,000	
Project Cost:							0	25,880,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Russell	20007	LN-9008	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF LOUIE B. NUNN CUMBERLAND PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 62.544 TO MILEPOINT 72.087	PL DN RW UT CN	PM		775,000	
					Project Cost:		0	775,000	3,250,000
Total for Russell county					PL DN RW UT CN			775,000	
					Total Amounts:		0	25,880,000	3,250,000
								26,655,000	3,250,000
Scott	119	KY-32	RECONSTRUCTION	RECONSTRUCT KY 32/I-75 INTERCHANGE EXIT 136 (LOVE'S TRUCK STOP), REALIGNING PORTER RD WITH SADIEVILLE RD AT US25.	PL DN RW UT CN	FED			250,000
					Project Cost:		0	0	250,000
Scott	1139	CR-1022	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE OVER NS (CNO&TP)RR ON FIELDS ROAD (CR 1022) AT SCOTT/HARRISON CO LINE (105R00607N) (EBRP)	PL DN RW UT CN	BR	160,000		
					Project Cost:		1,000,000	0	0
							1,160,000		
Scott	4307	KY-32	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-32 IN SCOTT COUNTY	PL DN RW UT CN	GR			148,000
					Project Cost:		0	0	148,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Scott	10006	CS-1010	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF LEMONS MILL RD BRIDGE OVER NS (CNO&AMP;TP) SYSTEM. (105C00112N)	PL				
					DN	BR	60,000		
					RW				
					UT				
					CN	BR	3,090,000		
					Project Cost:		3,150,000	0	0
Scott	10012	KY-1689	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY 1689 BRIDGE OVER LOCUST FORK. (105B00039N)	PL				
					DN				
					RW				
					UT				
					CN	BR	1,070,000		
					Project Cost:		1,070,000	0	0
Scott	10013	CR-1020	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF HINTON RD BRIDGE OVER NS (CNO&TP) SYSTEM. (105R00605N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	890,000		
					Project Cost:		980,000	0	0
Scott	20019	I-75	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 120.792 TO MILEPOINT 121.117	PL				
					DN	PM	40,000		
					RW				
					UT				
					CN	PM	400,000		
					Project Cost:		440,000	0	0
SCOTT	80102	KY-2906	CONGESTION MITIGTN(O)	IMPROVE CAPACITY AND ACCESS ON KY 2906 FROM US 460 TO US 62	PL				
					DN	SPP	811,000		
					RW	SPP		1,158,000	
					UT				
					CN				
					Project Cost:		811,000	1,158,000	0

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SCOTT	80104	US-460	RECONSTRUCTION(O)	IMPROVE US 460 FROM RUSSELL CAVE RD TO I 75 (2ND PART OF 7-8705)	PL				
					DN				
					RW	SPP			8,000,000
					UT				
					CN				
				Project Cost:			0	0	8,000,000
Total for SCOTT county					PL				250,000
					DN		1,161,000		
					RW			1,158,000	8,000,000
					UT				
					CN		6,450,000		148,000
				Total Amounts:			7,611,000	1,158,000	8,398,000
Shelby	65.4	I-64	MAJOR WIDENING(O)	WIDEN I-64 TO 6-LANES FROM 0.458 MILE EAST OF THE KY-55 INTERCHANGE TO THE KY-1790 UNDERPASS. (2006BOPC)	PL				
					DN				
					RW				
					UT	FED			2,000,000
					CN				
				Project Cost:			0	0	2,000,000
Shelby	8511	KY-53	RECONSTRUCTION(O)	WIDEN KY-53 TO FOUR LANES FROM I-64 TO US-60.(08CCN)(10CCN) (12CCR)(14CCR) (16CCR)(18CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED	11,700,000		
				Project Cost:			11,700,000	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	0	2,170,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Shelby	10024	CR-1007	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF MOODY PIKE BRIDGE OVER FOX RUN CREEK. (106C00004N)	PL DN RW UT CN	BR	60,000    310,000		
				Project Cost:			370,000	0	0
Shelby	10025	CR-1009	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF CLORE JACKSON RD BRIDGE OVER FOX RUN CREEK. (106C00007N)	PL DN RW UT CN	BR	160,000    590,000		
				Project Cost:			750,000	0	0
Shelby	20033	I-64	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-064 BOTH DIRECTION(S) FROM MILEPOINT 38.18 (38 NON-CARDINAL) TO MILEPOINT 43.33 (43.892 NON-CARDINAL)	PL DN RW UT CN	PM		775,000	
				Project Cost:			0	775,000	3,250,000
Shelby	80004	KY-55	SAFETY(P)	FOUR RIGHT TURNING LANES AT THE INTERSECTION OF KY 55X AND KY 43 AND TWO LEFT TURNING LANES FROM KY 55X ONTO KY 43.(18CCN)	PL DN RW UT CN	SPP	150,000    520,000	30,000 30,000	
				Project Cost:			150,000	580,000	0
SHELBY	80102		BRIDGE REHAB(P)	BRIDGE RESTORATION ON BURKS BRANCH ROAD OVER CLEAR CREEK	PL DN RW UT CN	BR		135,000	
				Project Cost:			0	135,000	0

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SHELBY	80104	KY-12	BRIDGE REHAB(P)	COMPLETE REPAIRS OF THE BRIDGE OVER THE CSX RAILROAD	PL DN RW UT CN	BR		50,000	
					Project Cost:		0	50,000	473,200
Total for SHELBY county					PL DN RW UT CN		370,000	825,000	2,000,000
					Total Amounts:		12,970,000	1,540,000	7,893,200
Simpson	8810	PF-9999	NEW ROUTE(O)	INDUSTRIAL ACCESS ROAD IMPROVEMENTS IN HENDERSON INDUSTRIAL PARK. (14CCN)(16CCR)(18CCN)	PL DN RW UT CN	SPP			300,000
					Project Cost:		0	0	300,000
Simpson	8856	US-31	MAJOR WIDENING(O)	IMPROVE US-31W FROM KY-1008 TO KY-621. (14CCN)(16CCR)	PL DN RW UT CN	FED			1,560,000
					Project Cost:		0	0	1,560,000
Simpson	20014	I-65	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-065 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 13.71	PL DN RW UT CN	PM			1,650,000
					Project Cost:		0	0	1,650,000



# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
SIMPSON	80106	KY-1008	CONGESTION MITIGTN(O)	ADD A TURN LANE AT THE INTERSECTION OF KY 1008 AND US 31W	PL				
					DN	SPP		250,000	
					RW	SPP			350,000
					UT	SPP			300,000
					CN				
					Project Cost:		0	250,000	650,000
Total for SIMPSON county					PL				
					DN			250,000	3,210,000
					RW				350,000
					UT				300,000
					CN				300,000
					Total Amounts:		0	250,000	4,160,000
SPENCER	8101	KY-55	AIR QUALITY(P)	IMPROVE KY 55 FROM ELK CREEK TO THE SHELBY COUNTY LINE	PL	SPP			270,000
					DN				
					RW				
					UT				
					CN				
					Project Cost:		0	0	270,000
Spencer	8954	KY-155	RECONSTRUCTION(O)	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	FED		1,000,000	
					RW				
					UT				
					CN				
					Project Cost:		0	1,000,000	0
Spencer	8955	KY-44	SAFETY(P)	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY-44 NEAR DUTCHMAN CREEK ROAD. (16CCN)	PL				
					DN	FED		270,000	
					RW	FED			230,000
					UT	FED			210,000
					CN				
					Project Cost:		0	270,000	440,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Spencer	10014	CR-1128	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF WASHBURN LANE BRIDGE OVER ELK CREEK. (108B00017N)(SD)	PL DN RW UT CN	BR	160,000		
						BR	850,000		
				Project Cost:			1,010,000	0	0
Total for Spencer county					PL DN RW UT CN		160,000	1,270,000	270,000
							850,000		230,000
							1,010,000	1,270,000	210,000
				Total Amounts:			1,010,000	1,270,000	710,000
Taylor	142.3	PF-9999	NEW ROUTE(O)	HEARTLAND PARKWAY: IMPROVE MOBILITY AND CONNECTIVITY VIA NEW CAMPBELLSVILLE BYPASS FROM KY-70 TO US-68 EAST OF CAMPBELLSVILLE. SECTION 2. (2010BOP) (16CCR)	PL DN RW UT CN	FED		12,100,000	
				Project Cost:			0	12,100,000	0
Taylor	4309	KY-3098	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-3098 IN TAYLOR COUNTY	PL DN RW UT CN	GR			55,000
				Project Cost:			0	0	55,000
Taylor	4320	KY-1061	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1061 IN TAYLOR COUNTY	PL DN RW UT CN	GR		22,000	
				Project Cost:			0	22,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Taylor county					PL				
					DN				
					RW				
					UT				
					CN			12,122,000	55,000
				Total Amounts:			0	12,122,000	55,000
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)(18CCN)	PL				
					DN				
					RW	FED		280,000	
					UT	FED		730,000	
					CN				
				Project Cost:			0	1,010,000	0
Todd	80001	US-79	MINOR WIDENING(O)	REDUCE CONGESTION AND IMPROVE MOBILITY ON US 79 FROM MP 0 TO 3 IN GUTHRIE INCLUDING WIDENING THE BRIDGE OVER CSX RAILROAD TO 4 LANES (FOR NOVELIS). (NEEDS PBFS)	PL				
					DN	FED		150,000	
					RW	FED			1,600,000
					UT				
					CN				
				Project Cost:			0	150,000	1,600,000
TODD	80102	US-79	MINOR WIDENING(O)	REPLACE AND WIDEN BRIDGE TO 4 LANES ON US-79 AT MP 7.613 (BRIDGE OVER ELK FORK CREEK)	PL				
					DN	SPP		375,000	
					RW	SPP			600,000
					UT	SPP			300,000
					CN				
				Project Cost:			0	375,000	900,000
Total for TODD county					PL				
					DN			525,000	
					RW			280,000	2,200,000
					UT			730,000	300,000
					CN				
				Total Amounts:			0	1,535,000	2,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Trigg	1160	CR-1380	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON CR-1380 (0.014) OVER DYERS CREEK 111C00027N	PL				
					DN	BR	160,000		
					RW				
					UT				
					CN	BR	490,000		
					Project Cost:		650,000	0	0
Trigg	8951	KY-139	AIR QUALITY(P)	REALIGN KY 124 APPROACH TO KY 139 TO IMPROVE INTERSECTION ANGLE AND SIGHT DISTANCE. (16CCN)(18CCN)	PL				
					DN	FED		200,000	
					RW	FED		160,000	
					UT	FED		160,000	
					CN	FED			630,000
					Project Cost:		0	520,000	630,000
Total for Trigg county					PL				
					DN		160,000	200,000	
					RW			160,000	
					UT			160,000	
					CN		490,000		630,000
					Total Amounts:		650,000	520,000	630,000
Trimble	8712	US-421	SAFETY(P)	CONSTRUCT TURN LANES INTO TRIMBLE COUNTY HIGH SCHOOL. (12CCN)	PL				
					DN				
					RW	SPP	500,000		
					UT	SPP		650,000	
					CN	SPP			500,000
					Project Cost:		500,000	650,000	500,000
Total for Trimble county					PL				
					DN				
					RW		500,000		
					UT			650,000	
					CN				500,000
					Total Amounts:		500,000	650,000	500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
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	SPP    SPP		800,000	
					Project Cost:		0	800,000	10,000,000
Union	4321	KY-360	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-360 IN UNION COUNTY	PL DN RW UT CN	    GR		35,000	
					Project Cost:		0	35,000	0
Total for Union county					PL DN RW UT CN			800,000	
					Total Amounts:		0	835,000	10,000,000
Warren	110.3	KY-185	RECONSTRUCTION(O)	IMPROVE KY 185 FROM 0.24 MILES SOUTH OF PRUITT ROAD TO 0.16 MILES SOUTH OF KY 1320. (2018BOP)	PL DN RW UT CN	    FED FED	830,000	8,530,000	
					Project Cost:		830,000	8,530,000	0
Warren	110.4	KY-185	RECONSTRUCTION(O)	IMPROVE KY 185 FROM 0.22 MILES NORTH OF THE AUSTIN RAYMER ROAD TO 0.08 MILES SOUTH OF THE BRIDGE OVER IVY CREEK. (2018BOP)	PL DN RW UT CN	    FED FED	300,000	4,665,000	
					Project Cost:		300,000	4,665,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Warren	199	US-31	MAJOR WIDENING(O)	IMPROVE US-31W FROM SOUTH OF KY-242 TO DILLARD ROAD.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED		11,690,000	
				Project Cost:			0	11,690,000	0
Warren	2042.2	WN-9007	I-CHANGE RECONST(O)	I-65 SPUR CORRIDOR: IMPROVE THE NATCHER PARKWAY/US-231 INTERCHANGE (EXIT 9) ON THE WEST SIDE OF BOWLING GREEN. (SEE ITEM NO. 3-202 FOR DESIGN) (2016BOP)	PL				
					DN				
					RW				
					UT				
					CN	FED		4,200,000	
				Project Cost:			0	4,200,000	0
Warren	2042.2001	WN-9007	I-CHANGE RECONST(O)	I-65 SPUR CORRIDOR: IMPROVE THE NATCHER PARKWAY/US-231 INTERCHANGE (EXIT 9) ON THE WEST SIDE OF BOWLING GREEN. (SEE ITEM NO. 3-202 FOR DESIGN) (2016BOP)	PL				
					DN				
					RW				
					UT				
					CN	FED			4,200,000
				Project Cost:			0	0	4,200,000
Warren	4307	KY-234	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-234 IN WARREN COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			25,000
				Project Cost:			0	0	25,000
Warren	8702	US-231	MAJOR WIDENING(O)	IMPROVE US-231 FROM PASCOE BLVD. TO NORTH OF CAVE MILL ROAD. (12CCN)	PL				
					DN				
					RW				
					UT				
					CN	FED			3,400,000
				Project Cost:			0	0	3,400,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Warren	8818	KY-884	MINOR WIDENING(O)	THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY. (14CCN) (18CCN)	PL DN RW UT CN	SPP SPP		2,310,000	4,910,000
Project Cost:							0	2,310,000	4,910,000
WARREN	8853	US-31	MINOR WIDENING(O)	MINOR WIDENING (2 + 1 CONCEPT) FROM WARREN/SIMPSON COUNTY LINE TO BUCHANON PARK.(14CCN)	PL DN RW UT CN	SPP SPP		1,800,000	2,000,000
Project Cost:							0	1,800,000	2,000,000
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 RW UT CN	SPP SPP SPP		1,000,000	3,000,000 3,250,000
Project Cost:							0	1,000,000	6,250,000
Warren	8857	US-31	MAJOR WIDENING(O)	IMPROVE US-31W FROM CAMPBELL LANE (US-231) TO UNIVERSITY BOULEVARD (US-231X). (14CCN)(16CCR)(18CCR)	PL DN RW UT CN	FED		1,750,000	
Project Cost:							0	1,750,000	0
Warren	8904.1	US-31	MINOR WIDENING(O)	WIDEN US 31W FROM PARK AVENUE TO FAIRVIEW AVENUE MP 13.7-14.25. (18CCN)	PL DN RW UT CN	FED			1,500,000
Project Cost:							0	0	1,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Warren	8905	US-31	RECONSTRUCTION(O)	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-31W FROM US-68 TO MIZPAH. (16CCN)	PL DN RW UT CN	FED FED		900,000 950,000	
Project Cost:							0	1,850,000	0
Warren	10015	KY-1435	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY 1435 BRIDGE OVER GASPER RIVER. (114B00074N)	PL DN RW UT CN	BR	1,250,000		
Project Cost:							1,250,000	0	0
Warren	20016	I-65	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-065 BOTH DIRECTION(S) FROM MILEPOINT 13.711 TO MILEPOINT 25	PL DN RW UT CN	PM PM		1,350,000	
Project Cost:							0	1,350,000	7,000,000
Warren	20018	WN-9007	AM-PAVEMENT (PKY)(P)	ADDRESS PAVEMENT CONDITION OF WILLIAM H. NATCHER PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 2.473	PL DN RW UT CN	PM PM		200,000	
Project Cost:							0	2,000,000	0
Warren	80005	KY-242	SAFETY(P)	ADD LEFT TURNING LANE ON KY 242 INTO RICHPOND ELEMENTARY SCHOOL AT MP 3.8 TO 3.95(18CCN)	PL DN RW UT CN	SPP SPP SPP	140,000 260,000		
Project Cost:							400,000	260,000	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
WARREN	80151	CR-1350	BRIDGE REHAB(P)	REHABILITATE BRIDGE OVER BARREN RIVER ON CR 1350	PL DN RW UT CN	BR		650,000	
				Project Cost:			0	650,000	0
Total for WARREN county					PL DN RW UT CN			2,550,000	
				Total Amounts:			140,000	6,760,000	4,500,000
							1,390,000	950,000	10,160,000
							1,250,000	31,995,000	14,625,000
							2,780,000	42,255,000	29,285,000
Washington	396.2	US-150	RECONSTRUCTION(O)	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ALONG US-150 FROM WEST OF OLD FREDERICKTOWN-BARDSTOWN ROAD (KY-1872) THROUGH GRUNDY HOME CURVE TO MAYFIELD LN (CR-1336). (2016BOP)	PL DN RW UT CN	FED FED		500,000	390,000
				Project Cost:			0	500,000	390,000
Washington	4323	KY-53	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-53 IN WASHINGTON COUNTY	PL DN RW UT CN	GR		77,000	
				Project Cost:			0	77,000	0
Washington	8916.2	KY-55	RECONSTRUCTION(O)	HEARTLAND PARKWAY: ADDRESS SAFETY AND MOBILITY ON KY 55 FROM THE MARION/WASHINGTON COUNTY LINE NORTH TO US-150X IN SPRINGFIELD. (CONSTRUCTION SEGMENT 2)(2018BOP)	PL DN RW UT CN	FED		5,000,000	
				Project Cost:			0	5,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for Washington county					PL				
					DN			500,000	
					RW				390,000
					UT				
					CN			5,077,000	
				Total Amounts:			0	5,577,000	390,000
Wayne	109.1	KY-90	SAFETY(P)	IMPROVE KY-90 FROM OLD MILL SPRINGS ROAD	PL				
				TO THE BRIDGE AT MP 19.5. (12CCR)(16CCR)	DN				
				(18CCR)	RW				
					UT				
					CN	FED		8,440,000	
				Project Cost:			0	8,440,000	0
Wayne	1050	CR-1136	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF BRIDGE ON CR-1136	PL				
				(MP 0.225) OVER LITTLE SOUTH FORK RIVER;	DN				
				0.25 MI SE OF JCT CR-5137; 116C00007N	RW				
					UT				
					CN	BR	445,000		
				Project Cost:			445,000	0	0
Wayne	20010	KY-90	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION ON KY-90X	PL				
				FROM MILEPOINT 0.00 TO MILEPOINT 3.54	DN				
					RW				
					UT				
					CN	PM			1,623,000
				Project Cost:			0	0	1,623,000
Wayne	80004	CO-0	PLANNING-OKI(O)	PRELIMINARY ENGINEERING AND	PL	SPP			1,500,000
				ENVIRONMENTAL CORRIDOR STUDY FOR	DN				
				IMPROVING SAFETY AND MAKING KY-92 A	RW				
				SCENIC ROUTE FROM MONTICELLO TO STEARNS	UT				
				(FLEXIBLE SOLUTIONS)(18CCN)	CN				
				Project Cost:			0	0	1,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Wayne	80005	KY-1275	SAFETY(P)	IMPROVE CURVE ON KY 1275 AT KY 833/ROGERS GROVE ROAD AND RESURFACE FROM KY 1275 FROM BELL LANE TO KY 833/ROGERS GROVE ROAD(18CCN)	PL				
					DN	SPP		60,000	
					RW	SPP		3,500	
					UT	SPP		60,000	
					CN	SPP			200,000
					Project Cost:		0	123,500	200,000
Wayne	80006	KY-1275	MAJOR WIDENING(O)	WIDEN KY 1275 TO FOUR LANES WITH FOUR FOOT SHOULDERS AND FIVE FOOT SIDEWALKS FROM KY 90 TO BELL LANE(18CCN)	PL				
					DN	FED	490,000		
					RW	FED		200,000	
					UT	FED		500,000	
					CN	FED			3,000,000
					Project Cost:		490,000	700,000	3,000,000
WAYNE	80105	KY-90	CONGESTION MITIGTN(O)	REDUCE CONGESTION AND IMPROVES SAFETY, CAPACITY AND MOBILITY OF KY 90 BETWEEN KY 90X/KY 1275 AND KY 3106	PL				
					DN	SPP		1,568,000	
					RW				
					UT				
					CN				
					Project Cost:		0	1,568,000	0
WAYNE	80108	KY-92	RELOCATION(O)	ADDRESS SAFETY, MOBILITY, AND CONNECTIVITY BY RELOCATING ALONG KY 92 IN MONTICELLO BETWEEN LOCUST ST AND ELK SPRINGS CREEK RD	PL				
					DN	SPP	455,000		
					RW	SPP		1,000,000	
					UT	SPP			325,000
					CN				
					Project Cost:		455,000	1,000,000	325,000
Total for WAYNE county					PL				1,500,000
					DN		945,000	1,628,000	
					RW			1,203,500	
					UT			560,000	325,000
					CN		445,000	8,440,000	4,823,000
					Total Amounts:		1,390,000	11,831,500	6,648,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Webster	228	KY-138	RECONSTRUCTION(O)	RECONSTRUCT BETWEEN KY 120 AND RR BRIDGE AT SLAUGHTERS TO ALLEVIATE FLOODING. (12CCR)(18CCN)	PL DN RW UT CN	SPP SPP SPP		110,000 260,000	1,360,000
Project Cost:							0	370,000	1,360,000
Webster	10019	KY-132	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-132 BRIDGE OVER NALL DITCH. (117B00064N)	PL DN RW UT CN	BR BR	160,000		
Project Cost:							1,102,500	0	0
							1,262,500	0	0
WEBSTER	80105	US-41A	RECONSTRUCTION(O)	IMPROVE US 41A BEGINNING AT INDUSTRIAL DR AT HOPKINS CO ENDING AT PROVIDENCE	PL DN RW UT CN	SPP			2,839,000
Project Cost:							0	0	2,839,000
Total for WEBSTER county					PL DN RW UT CN		160,000	110,000 260,000	2,839,000
Total Amounts:							1,102,500	260,000	1,360,000
							1,262,500	370,000	4,199,000
Whitley	14.8	I-75	MAJOR WIDENING(O)	TENN. STATE LINE-LEXINGTON; WIDEN I-75 TO 8 LANES FROM MP 20.2 IN WHITLEY COUNTY TO MP 28.85, US-25E NORTH OF CORBIN. (C-COST=\$87,500,000)(18CCR)	PL DN RW UT CN	FED FED FED		500,000 500,000	15,000,000
Project Cost:							0	1,000,000	15,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Whitley	186	US-25	MAJOR WIDENING(O)	IMPROVE FREIGHT MOBILITY AND REDUCE CONGESTION ON US-25W FROM KY-727 TO KY-3041. (12CCR)(16CCR)	PL DN RW UT CN	FED FED		2,770,000	4,160,000
Project Cost:							0	2,770,000	4,160,000
Whitley	4311	KY-1064	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL DN RW UT CN	GR			67,000
Project Cost:							0	0	67,000
Whitley	4312	KY-1064	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL DN RW UT CN	GR			87,000
Project Cost:							0	0	87,000
Whitley	4313	KY-779	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL DN RW UT CN	GR			71,000
Project Cost:							0	0	71,000
Whitley	4321	KY-26	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL DN RW UT CN	GR			20,000
Project Cost:							0	0	20,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Whitley	4322	KY-856	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			129,000
				Project Cost:			0	0	129,000
Whitley	4327	KY-727	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR			15,000
				Project Cost:			0	0	15,000
Whitley	4369	KY-1064	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		91,000	
				Project Cost:			0	91,000	0
Whitley	4372	KY-26	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		33,000	
				Project Cost:			0	33,000	0
Whitley	4375	KY-26	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL				
					DN				
					RW				
					UT				
					CN	GR		27,000	
				Project Cost:			0	27,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Whitley	4420	KY-1064	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL DN RW UT CN	GR		77,000	
				Project Cost:			0	77,000	0
Whitley	4421	KY-26	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL DN RW UT CN	GR		5,000	
				Project Cost:			0	5,000	0
Whitley	4422	KY-26	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL DN RW UT CN	GR		11,000	
				Project Cost:			0	11,000	0
Whitley	4423	KY-779	SAF-GUARDRAIL	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL DN RW UT CN	GR		14,000	
				Project Cost:			0	14,000	0
Whitley	10032	KY-904	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-904 BRIDGE OVER TYES FK OF BENNETTS BR. (118B00070N)	PL DN RW UT CN	BR	60,000		
				Project Cost:			380,000	0	0
							440,000		

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Whitley	10034	KY-204	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-204 BRIDGE OVER YOUNGS CREEK. (118B00084N)	PL				
					DN	BR	60,000		
					RW				
					UT				
					CN	BR	480,000		
					Project Cost:		<u>540,000</u>	<u>0</u>	<u>0</u>
Whitley	10035	KY-2996	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF KY-2996 BRIDGE OVER WOLF CREEK. (118B00101N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	270,000		
					Project Cost:		<u>360,000</u>	<u>0</u>	<u>0</u>
Whitley	10037	CR-1461	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF RIVER ROAD BRIDGE OVER SANDERS CREEK. (118C00039N)	PL				
					DN				
					RW				
					UT				
					CN	BR	370,000		
					Project Cost:		<u>370,000</u>	<u>0</u>	<u>0</u>
Whitley	10044	US-25	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF US 25W BRIDGE OVER CLEAR FORK RVR. (118B00041N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	1,880,000		
					Project Cost:		<u>1,970,000</u>	<u>0</u>	<u>0</u>
Whitley	10045	US-25	AM-BRIDGE (P)	ADDRESS DEFICIENCIES OF US 25W BRIDGE OVER CLEAR FORK RIVER. (118B00042N)	PL				
					DN	BR	90,000		
					RW				
					UT				
					CN	BR	1,880,000		
					Project Cost:		<u>1,970,000</u>	<u>0</u>	<u>0</u>



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Whitley	20015	I-75	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 0 TO MILEPOINT 11.27	PL DN RW UT CN	PM		900,000	
					Project Cost:		0	900,000	4,500,000
Whitley	20019	I-75	AM-PAVEMENT (INT)(P)	ADDRESS PAVEMENT CONDITION OF I-075 BOTH DIRECTION(S) FROM MILEPOINT 23.0 (25.26 NON-CARDINAL) TO MILEPOINT 28.872	PL DN RW UT CN	PM	250,000		
					Project Cost:		2,500,000	0	0
WHITLEY	80107	US-25W	RECONSTRUCTION(O)	IMPROVE US 25 W FROM MP 13.3 TO MP 14.6 AT THREE POINT	PL DN RW UT CN	SPP			920,000
					Project Cost:		0	0	920,000
WHITLEY	80112	CR-1088	AIR QUALITY(P)	WIDEN BLACK DIAMOND ROAD	PL DN RW UT CN	SPP			260,000
					Project Cost:		0	0	260,000
Total for WHITLEY county					PL DN RW UT CN		640,000	900,000	920,000
								3,270,000	
								500,000	4,160,000
							7,760,000	258,000	20,149,000
					Total Amounts:		8,400,000	4,928,000	25,229,000

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Wolfe	168.2	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY TO 4 LANES FROM 0.6 MILES WEST OF THE KY 191 OVERPASS TO THE KY 1010 INTERCHANGE.	PL DN RW UT CN	FED FED		6,500,000	2,000,000
Project Cost:							0	6,500,000	2,000,000
Wolfe	168.5	KY-9009	MAJOR WIDENING(O)	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MOUNTAIN PARKWAY CORRIDOR TO 4 LANES FROM THE KY 1010 INTERCHANGE TO 0.45 MILES WEST OF THE KY 205 INTERCHANGE. (PRIORITY SECTION 1)	PL DN RW UT CN	FED FED		5,000,000	1,140,000
Project Cost:							0	5,000,000	1,140,000
Wolfe	20009	KY-9000	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF BERT T. COMBS MOUNTAIN PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 36 TO MILEPOINT 42.85	PL DN RW UT CN	PM PM		550,000	2,500,000
Project Cost:							0	550,000	2,500,000
Wolfe	20010	KY-9009	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF BERT T. COMBS MOUNTAIN PARKWAY BOTH DIRECTION(S) FROM MILEPOINT 42.853 TO MILEPOINT 46.208	PL DN RW UT CN	PM PM			275,000
Project Cost:							0	0	3,025,000
Total for Wolfe county					PL DN RW UT CN			550,000 11,500,000	275,000 3,140,000 5,250,000
Total Amounts:							0	12,050,000	8,665,000

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Woodford	117	US-60	MAJOR WIDENING(O)	IMPROVE US 60 (VERSAILLES ROAD) FROM THE BLUEGRASS PARKWAY/HUNTERTOWN PIKE TO PISGAH PIKE. (18CCR)	PL DN RW UT CN	FED			500,000
Project Cost:							0	0	500,000
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).(16CCN)(18CCN)	PL DN RW UT CN	SPP			1,000,000
Project Cost:							0	0	1,000,000
Woodford	20023	US-60	AM-PAVEMENT (PRI)(P)	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT	PL DN RW UT CN	PM		350,000	
Project Cost:						PM	0	3,500,000	0
Total for Woodford county					PL DN RW UT CN			350,000	500,000
Total Amounts:							0	3,500,000	1,000,000
ZVARIOUS	65.17	CO-0	AM-BRIDGE (P)	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2020.	PL DN RW UT CN	BR	2,000,000		
Project Cost:							2,000,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	65.1701	CO-0	AM-BRIDGE (P)	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	BR		4,000,000	
				Project Cost:			0	4,000,000	0
ZVARIOUS	65.1702	CO-0	AM-BRIDGE (P)	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	BR			4,000,000
				Project Cost:			0	0	4,000,000
ZVARIOUS	66.15	CO-0	ITS(P)	'ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	FED		2,000,000	
				Project Cost:			0	2,000,000	0
ZVARIOUS	66.1501	CO-0	ITS(P)	'ITS' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	FED			2,000,000
				Project Cost:			0	0	2,000,000
ZVARIOUS	195.16	CO-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2020 (98CCR)	PL				
					DN				
					RW				
					UT				
					CN	TAP		11,964,000	
				Project Cost:			0	11,964,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	195.1601	CO-0	TRANSP ENHANCEMENT(P)	STATEWIDE TRANSPORTATION ENHANCEMENT FOR FY 2020 (98CCR)	PL DN RW UT CN	TAP			11,964,000
					Project Cost:		0	0	11,964,000
ZVARIOUS	219.18	CO-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL DN RW UT CN	CM		17,275,000	
					Project Cost:		0	17,275,000	0
ZVARIOUS	219.1801	CO-0	CONGESTION MITIGTN(O)	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2020.	PL DN RW UT CN	CM			17,275,000
					Project Cost:		0	0	17,275,000
ZVARIOUS	224.14	CO-0	AM-PAVEMENT (PRI)(P)	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2021.	PL DN RW UT CN	PM		5,000,000	
					Project Cost:		0	5,000,000	0
ZVARIOUS	327.16	CO-0	BRIDGE INSPECTION(P)	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR	2,600,000		
					Project Cost:		2,600,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	327.1601	CO-0	BRIDGE INSPECTION(P)	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	BR		5,000,000	
				Project Cost:			0	5,000,000	0
ZVARIOUS	327.1602	CO-0	BRIDGE INSPECTION(P)	STATEWIDE BRIDGE INSPECTION FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	BR			5,000,000
				Project Cost:			0	0	5,000,000
ZVARIOUS	337.15	CO-0	AM-PAVEMENT (INT)(P)	STATEWIDE I-STATE ROUTES FOR FY 2021. (14CCR)	PL				
					DN				
					RW				
					UT				
					CN	PM		5,000,000	
				Project Cost:			0	5,000,000	0
ZVARIOUS	346.16	CO-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	BR	1,100,000		
				Project Cost:			1,100,000	0	0
ZVARIOUS	346.1601	CO-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	BR		3,000,000	
				Project Cost:			0	3,000,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	346.1602	CO-0	BRIDGE INSPECTION(P)	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR			3,000,000
					Project Cost:		0	0	3,000,000
ZVARIOUS	352.16	CO-0	SAFETY-RR PROTECTN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL DN RW UT CN	FED		500,000	
					Project Cost:		0	500,000	0
ZVARIOUS	352.1601	CO-0	SAFETY-RR PROTECTN(P)	RAIL PROTECTION ON VARIOUS ROUTES FOR FY 2020.	PL DN RW UT CN	FED			500,000
					Project Cost:		0	0	500,000
ZVARIOUS	369.1	CO-0	AM-PAVEMENT (PRI)(P)	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2021.	PL DN RW UT CN	PM		5,000,000	
					Project Cost:		0	5,000,000	0
ZVARIOUS	388.1	CO-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BR	1,600,000		
					Project Cost:		1,600,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	388.1001	CO-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BR		4,000,000	
					Project Cost:		0	4,000,000	0
ZVARIOUS	388.1002	CO-0	BRIDGE INSPECTION(P)	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2020.	PL DN RW UT CN	BR			4,000,000
					Project Cost:		0	0	4,000,000
ZVARIOUS	391.06	CO-0	DESIGN ENGINEERING(O)	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL DN RW UT CN	FED		1,000,000	
					Project Cost:		0	1,000,000	0
ZVARIOUS	391.0601	CO-0	DESIGN ENGINEERING(O)	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL DN RW UT CN	FED			1,000,000
					Project Cost:		0	0	1,000,000
ZVARIOUS	391.07	CO-0	DESIGN ENGINEERING(O)	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL DN RW UT CN	SPP		2,500,000	
					Project Cost:		0	2,500,000	0



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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	391.0701	CO-0	DESIGN ENGINEERING(O)	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES.	PL				
					DN	SPP			2,500,000
					RW				
					UT				
					CN				
					Project Cost:		<u>0</u>	<u>0</u>	<u>2,500,000</u>
ZVARIOUS	395.08	CO-0	AM-PAVEMENT (INT)(P)	PAVEMENT REPAIR AT INTERSECTIONS FOR VARIOUS ROADWAYS FOR FY 2021.(12CCR)	PL				
					DN				
					RW				
					UT				
					CN	PM		5,000,000	
					Project Cost:		<u>0</u>	<u>5,000,000</u>	<u>0</u>
ZVARIOUS	400.07	CO-0	LIGHTING(P)	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2021.	PL				
					DN				
					RW				
					UT				
					CN	FED		500,000	
					Project Cost:		<u>0</u>	<u>500,000</u>	<u>0</u>
ZVARIOUS	400.0701	CO-0	LIGHTING(P)	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2021.	PL				
					DN				
					RW				
					UT				
					CN	FED			500,000
					Project Cost:		<u>0</u>	<u>0</u>	<u>500,000</u>
ZVARIOUS	510.05	CO-0	AM-BRIDGE (P)	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL				
					DN				
					RW				
					UT				
					CN	BR		2,000,000	
					Project Cost:		<u>0</u>	<u>2,000,000</u>	<u>0</u>

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	510.0501	CO-0	AM-BRIDGE (P)	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED).	PL DN RW UT CN	BR			2,000,000
					Project Cost:		0	0	2,000,000
ZVARIOUS	511.04	CO-0	LANDSLIDE REPAIR(P)	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2020.	PL DN RW UT CN	FED		1,000,000	
					Project Cost:		0	1,000,000	0
ZVARIOUS	511.0401	CO-0	LANDSLIDE REPAIR(P)	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2020.	PL DN RW UT CN	FED			1,000,000
					Project Cost:		0	0	1,000,000
ZVARIOUS	514.01	CO-0	AM-BRIDGE (P)	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2021.	PL DN RW UT CN	BR		5,000,000	
					Project Cost:		0	5,000,000	0
ZVARIOUS	518.01	CO-0	LANDSLIDE REPAIR(P)	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020.	PL DN RW UT CN	FED		5,000,000	
					Project Cost:		0	5,000,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	518.0101	CO-0	LANDSLIDE REPAIR(P)	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020.	PL DN RW UT CN	FED			5,000,000
					Project Cost:		0	0	5,000,000
ZVARIOUS	911.09	CO-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF	38,500,000		
					Project Cost:		38,500,000	0	0
ZVARIOUS	911.0901	CO-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF		38,500,000	
					Project Cost:		0	38,500,000	0
ZVARIOUS	911.0902	CO-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY PROGRAM FOR FY 2020. (HSIP)	PL DN RW UT CN	SAF			38,500,000
					Project Cost:		0	0	38,500,000
ZVARIOUS	911.5	CO-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY FUNDING TO BE USED ALONGSIDE FEDERAL HSIP FUNDING TO ENHANCE ROADWAY SAFETY IN KENTUCKY.	PL DN RW UT CN	SPP		11,500,000	
					Project Cost:		0	11,500,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	911.5001	CO-0	SAFETY-HAZARD ELIM(P)	STATEWIDE SAFETY FUNDING TO BE USED ALONGSIDE FEDERAL HSIP FUNDING TO ENHANCE ROADWAY SAFETY IN KENTUCKY.	PL DN RW UT CN	SPP			11,500,000
					Project Cost:		0	0	11,500,000
ZVARIOUS	1063.16	CO-0	BRIDGE INSPECTION(P)	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR	500,000		
					Project Cost:		500,000	0	0
ZVARIOUS	1063.1601	CO-0	BRIDGE INSPECTION(P)	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR		1,000,000	
					Project Cost:		0	1,000,000	0
ZVARIOUS	1063.1602	CO-0	BRIDGE INSPECTION(P)	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2020.	PL DN RW UT CN	BR			1,000,000
					Project Cost:		0	0	1,000,000
ZVARIOUS	1071.08	CO-0	BRIDGE INSPECTION(P)	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2020.	PL DN RW UT CN	BR	1,500,000		
					Project Cost:		1,500,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	1071.0801	CO-0	BRIDGE INSPECTION(P)	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2020.	PL DN RW UT CN	BR		3,000,000	
					Project Cost:		0	3,000,000	0
ZVARIOUS	1071.0802	CO-0	BRIDGE INSPECTION(P)	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2020.	PL DN RW UT CN	BR			3,000,000
					Project Cost:		0	0	3,000,000
ZVARIOUS	1074.08	CO-0	AM-BRIDGE (P)	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2021.	PL DN RW UT CN	BR		3,000,000	
					Project Cost:		0	3,000,000	0
ZVARIOUS	1074.0801	CO-0	AM-BRIDGE (P)	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2021.	PL DN RW UT CN	BR			3,000,000
					Project Cost:		0	0	3,000,000
ZVARIOUS	2700.14	CO-0	AM-PAVEMENT (PRI)(P)	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL DN RW UT CN	PM	2,000,000		
					Project Cost:		2,000,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	2700.1401	CO-0	AM-PAVEMENT (PRI)(P)	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	PM		5,000,000	
				Project Cost:			0	5,000,000	0
ZVARIOUS	2700.1402	CO-0	AM-PAVEMENT (PRI)(P)	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2020.	PL				
					DN				
					RW				
					UT				
					CN	PM			5,000,000
				Project Cost:			0	0	5,000,000
ZVARIOUS	3011.01	CO-0	SAFETY(P)	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL				
					DN				
					RW				
					UT				
					CN	FED		1,000,000	
				Project Cost:			0	1,000,000	0
ZVARIOUS	3011.0101	CO-0	SAFETY(P)	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS.	PL				
					DN				
					RW				
					UT				
					CN	FED			1,000,000
				Project Cost:			0	0	1,000,000
ZVARIOUS	8500.16	CO-0	SAFETY(P)	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL				
					DN				
					RW				
					UT				
					CN	FED		2,500,000	
				Project Cost:			0	2,500,000	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	8500.1601	CO-0	SAFETY(P)	SCHOOL TURN LANE PROJECTS. (08CCN) (12CCR)	PL DN RW UT CN	FED			2,500,000
				Project Cost:			0	0	2,500,000
ZVARIOUS	9068.61	CO-0	AM-BRIDGE (P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2020. (12CCR)	PL DN RW UT CN	GAR	9,100,000		
				Project Cost:			9,100,000	0	0
ZVARIOUS	9068.6101	CO-0	AM-BRIDGE (P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2020. (12CCR)	PL DN RW UT CN	GAR		9,100,000	
				Project Cost:			0	9,100,000	0
ZVARIOUS	9068.6102	CO-0	AM-BRIDGE (P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (NH) FOR FY 2020. (12CCR)	PL DN RW UT CN	GAR			9,100,000
				Project Cost:			0	0	9,100,000
ZVARIOUS	9068.66	CO-0	AM-BRIDGE (P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2020.	PL DN RW UT CN	GAR	9,100,000		
				Project Cost:			9,100,000	0	0

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
ZVARIOUS	9068.6601	CO-0	AM-BRIDGE (P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2020.	PL DN RW UT CN	GAR		9,100,000	
				Project Cost:			0	9,100,000	0
ZVARIOUS	9068.6602	CO-0	AM-BRIDGE (P)	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2020.	PL DN RW UT CN	GAR			9,100,000
				Project Cost:			0	0	9,100,000
ZVARIOUS	9659.23	CO-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	GAR	62,800,000		
				Project Cost:			62,800,000	0	0
ZVARIOUS	9659.2301	CO-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	GAR		62,800,000	
				Project Cost:			0	62,800,000	0
ZVARIOUS	9659.2302	CO-0	RECONSTRUCTION(O)	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2020. (JZ1-FD53 "NH" COMPONENT)	PL DN RW UT CN	GAR			62,800,000
				Project Cost:			0	0	62,800,000



# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Type of Work</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Total for ZVARIOUS county					PL				
					DN			3,500,000	3,500,000
					RW				
					UT				
					CN		130,800,000	227,739,000	202,739,000
					Total Amounts:		<u>130,800,000</u>	<u>231,239,000</u>	<u>206,239,000</u>

# 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

## Biennium Fund Summary

<b>Fund</b>	<b>Description</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Total</b>
BR	FEDERAL BRIDGE REPLACEMENT	125,330,000	84,168,200	209,498,200
CM	FEDERAL CONGESTION MITIGATION FUNDS	17,275,000	17,275,000	34,550,000
FED	FEDERAL PROJECT FUNDS	502,280,000	469,216,000	971,496,000
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	81,000,000	81,000,000	162,000,000
GR	GUARD RAIL INSTALLATION	4,369,000	4,207,000	8,576,000
PM	PAVEMENT MANAGEMENT	109,413,000	108,274,000	217,687,000
SAF	FEDERAL SAFETY FUNDS	38,500,000	38,500,000	77,000,000
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,782,000	1,782,000	3,564,000
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	900,000	900,000	1,800,000
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	26,209,000	26,209,000	52,418,000
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	9,140,000	9,140,000	18,280,000
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	10,330,000	10,330,000	20,660,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	133,525,750	231,225,300	364,751,050
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	11,964,000	11,964,000	23,928,000
Total Amount		1,072,017,750	1,094,190,500	2,166,208,250

## 2020-2022 BIENNIAL HIGHWAY CONSTRUCTION PLAN

### Fund Summary

<b>Fund</b>	<b>Description</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Total</b>
BR	FEDERAL BRIDGE REPLACEMENT	100,984,500	125,330,000	84,168,200	310,482,700
CM	FEDERAL CONGESTION MITIGATION FUNDS	0	17,275,000	17,275,000	34,550,000
FED	FEDERAL PROJECT FUNDS	81,111,000	502,280,000	469,216,000	1,052,607,000
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	81,000,000	81,000,000	81,000,000	243,000,000
GR	GUARD RAIL INSTALLATION	0	4,369,000	4,207,000	8,576,000
HPP	HIGH PRIORITY PROJECTS	1,047,696	0	0	1,047,696
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	0	0	0	0
PM	PAVEMENT MANAGEMENT	12,078,000	109,413,000	108,274,000	229,765,000
SAF	FEDERAL SAFETY FUNDS	38,500,000	38,500,000	38,500,000	115,500,000
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,782,000	1,782,000	1,782,000	5,346,000
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	900,000	900,000	900,000	2,700,000
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	26,209,000	26,209,000	26,209,000	78,627,000
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	8,384,000	9,140,000	9,140,000	26,664,000
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	10,106,000	10,330,000	10,330,000	30,766,000
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	38,628,000	133,525,750	231,225,300	403,379,050
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	0	11,964,000	11,964,000	23,928,000
Totals		400,730,196	1,072,017,750	1,094,190,500	2,566,938,446

## CHAPTER 95

## ( HB 405 )

AN ACT proposing to amend Sections 97, 119, and 122 of the Constitution of Kentucky relating to terms of Constitutional offices.

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

➔Section 1. Are you in favor of changing the term of Commonwealth's Attorneys from six-year terms to eight-year terms beginning in 2030, changing the terms of judges of the district court from four-year terms to eight-year terms beginning in 2022, and requiring district judges to have been licensed attorneys for at least eight years beginning in 2022, by amending the Constitution of Kentucky to read as stated below?

➔Section 2. It is proposed that Section 97 of the Constitution of Kentucky be amended to read as follows:

In the year two thousand, and every six years thereafter, there shall be an election in each county for a Circuit Court Clerk, and, *until the year two thousand thirty*, for a Commonwealth's Attorney, in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors. *Beginning in the year two thousand thirty, and every eight years thereafter, there shall be an election for a Commonwealth's Attorney in each circuit court district, unless that office be abolished, who shall hold his or her office for eight years from the first Monday in January after his or her election, and until the election and qualification of his or her successor.*

➔Section 3. It is proposed that Section 119 of the Constitution of Kentucky be amended to read as follows:

Justices of the Supreme Court and judges of the Court of Appeals and circuit court shall severally hold their offices for terms of eight years, and *until the year two thousand twenty-two*, judges of the district court for terms of four years. *Beginning in the year two thousand twenty-two, judges of the district court shall hold their offices for terms of eight years.* All terms commence on the first Monday in January next succeeding the regular election for the office. No justice or judge may be deprived of his term of office by redistricting, or by a reduction in the number of justices or judges.

➔Section 4. It is proposed that Section 122 of the Constitution of Kentucky be amended to read as follows:

To be eligible to serve as a justice of the Supreme Court or a judge of the Court of Appeals, Circuit Court or District Court a person must be a citizen of the United States, licensed to practice law in the courts of this Commonwealth, and have been a resident of this Commonwealth and of the district from which he *or she* is elected for two years next preceding his *or her* taking office. In addition, to be eligible to serve as a justice of the Supreme Court or judge of the Court of Appeals or Circuit Court a person must have been a licensed attorney for at least eight years. *Beginning in the year two thousand twenty-two*, no district judge shall serve who has not been a licensed attorney for at least ~~eight~~<sup>two</sup> years.

➔Section 5. The eight-year licensure requirement for district judges set forth in the amendment to Section 122 of the Constitution shall not apply to any person serving as a district judge on the effective date of this amendment.

➔Section 6. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 7 and 8 of this Act.

➔Section 7. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State shall cause the entirety of the proposed amendment to the Constitution of Kentucky contained in Sections 1 to 5 of this Act to be published at least one time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication required by this section and KRS 118.415 shall be made no later than the first Tuesday in August preceding the election at which the amendment is to be voted on.

➔Section 8. Notwithstanding any language in KRS 118.415 to the contrary, the Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the entirety of the

proposed amendment to the Constitution of Kentucky contained in Sections 1 to 5 of this Act to the county clerk of each county, and the county clerk shall have the entirety of the amendment, as so certified, indicated on the ballots provided to the voters in paper or electronic form as applicable to the voting machines in use in each county or precinct.

**Signature not required. Delivered to Secretary of State April 15, 2020.**

## CHAPTER 96

### ( HB 356 )

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:** Notwithstanding KRS 48.110, 48.120(4), 48.300, and any statute to the contrary, there is appropriated out of the General Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1, 2020, and ending June 30, 2021, 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.

#### A. JUDICIAL BRANCH

##### Budget Units

##### 1. Court of Justice

##### a. Court Operations and Administration

	2020-21	2021-22
General Fund	270,755,000	-0-
Restricted Funds	52,343,600	-0-
Federal Funds	3,190,000	-0-
TOTAL	326,288,600	-0-

(1) **Defined Calculations:** Included in the above General Fund appropriation is \$1,045,800 in fiscal year 2020-2021 to provide funds for the increase in the employer cost of health and life insurance and the employer cost of retirement.

(2) **Civil Filing Fees:** Pursuant to its authority, if the Supreme Court retains the increases in civil filing fees that were effective in 2008 and 2018, the additional income resulting from the fee increases, not to exceed \$15,468,100 in fiscal year 2020-2021, shall be deposited into a trust and agency account for court operations and salaries for non-elected personnel. Any revenue generated by these increases in excess of the \$15,468,100 in fiscal year 2020-2021 shall be deposited into the General Fund.

(3) **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 2020-2021 if the Court of Justice does not incur any costs.

~~[(4) **Circuit Clerk Expense Allowance:** Notwithstanding KRS 64.058, each Circuit Clerk shall receive an expense allowance of \$2,400 annually, at the rate of \$200 per month, in fiscal year 2020-2021.]~~

(5) **Salary Increment:** Notwithstanding KRS 64.480(2), no salary adjustments are provided on the base salary or wages of the Clerk of the Supreme Court.

**b. Local Facilities Fund**

	2020-21	2021-22
General Fund	114,514,200	-0-

(1) **Local Facility Projects:** Included in the above General Fund appropriation is \$2,345,700 in fiscal year 2020-2021 to support the use allowance, operating, and non-recurring furniture and equipment costs for two judicial center projects authorized by the 2018 General Assembly.

(2) **Maintenance Pool:** Included in the above General Fund appropriation is \$3,000,000 in fiscal year 2020-2021 to create a maintenance pool for planned and unanticipated non-capital projects for local courthouses and judicial centers.

(3) **Local Court Facility Compensation:** Included in the above General Fund 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.

(4) **Use Allowance Payments to Counties:** Pursuant to KRS 26A.090(2), beginning with court facility construction or renovation projects authorized by the 2000 Regular Session of the General Assembly and all subsequent court facility projects, use allowance payments are restricted to the court's proportional share of the annual principal and interest costs in connection with the construction or renovation of the facility, not to exceed the authorized annual use allowance.

(5) **Court Facility Maintenance Fund:** (a) Notwithstanding KRS 26A.090(2), when there is no debt on court facility construction or renovation projects authorized prior to the 2000 Regular Session of the General Assembly, use allowance is restricted to compensation equal to two percent annually of capital costs to be paid to the county unit of government and two percent annually to be retained by the Administrative Office of the Courts and directed to a separate fund specifically for maintenance of court facilities.

(b) The fund created pursuant to paragraph (a) of this subsection shall be used for routine, ongoing, planned, and unanticipated maintenance for court facilities.

**c. Local Facilities Use Allowance Contingency Fund**

	2020-21	2021-22
General Fund	-0-	-0-

(1) **Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2019-2020 shall not lapse and shall continue into fiscal year 2020-2021 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**

	2020-21	2021-22
General Fund	385,269,200	-0-
Restricted Funds	52,343,600	-0-
Federal Funds	3,190,000	-0-
TOTAL	440,802,800	-0-

**2. Judicial Retirement System**

	2020-21	2021-22
General Fund	7,147,500	-0-

(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) **Administrative Expenses:** Pursuant to KRS 21.540, administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary moneys, in appropriate ratio, from the funds provided for in KRS 21.550 and 21.560.

(3) **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 21.580 on July 1, 2020, or July 1, 2021.

#### **TOTAL - JUDICIAL BRANCH**

	<b>2020-21</b>	<b>2021-22</b>
General Fund	392,416,700	-0-
Restricted Funds	52,343,600	-0-
Federal Funds	3,190,000	-0-
<b>TOTAL</b>	<b>447,950,300</b>	<b>-0-</b>

### **PART II**

#### **CAPITAL PROJECTS BUDGET**

(1) **Authorization of Capital Projects:** It is the intent of the General Assembly that any capital project proposed by any state government entity, including the agencies and subdivisions of the Court of Justice, shall be authorized by the General Assembly prior to the project's financing and construction, in accordance with KRS 7A.010, 7A.120, 45.750, 45.760, 45.763, 45.765, and 48.110. Pursuant to KRS 45.760(1), the amount allotted, from all sources, for expenditure on any capital project, including leases as defined by KRS 45.750, shall not exceed the estimated cost as shown in this Act.

(2) **Capital Projects and Bond Oversight Committee:** Capital construction projects and major items of equipment that are not specifically listed in this Act may be authorized only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(7). Moneys may be transferred to the allotment account of any capital project only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(6). As required by KRS 45.760, all capital construction items authorized in this Act shall be constructed in accordance with this Act, supporting documentation considered by the General Assembly, and Judicial Branch budget records. Any modifications to the scope of a capital construction project or to a lease shall be reported to the Capital Projects and Bond Oversight Committee before execution.

(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.

(4) **Deferred Funding:** (a) General Fund support to provide operating costs totaling \$2,053,500, annualized use allowance payments totaling \$13,313,300, and nonrecurring furniture and equipment costs of \$3,575,000 for Barren, Butler, Clinton, Crittenden, Jessamine, and Scott Counties is deferred to the 2022-2024 fiscal biennium.

(b) It is the intent of the General Assembly that all projects in paragraph (a) of this subsection shall be funded using resources previously appropriated for projects that no longer require use allowance debt payments in the 2022-2024 fiscal biennium.

(5) **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.

(6) **Edmonson County Courthouse Additional Parking Lot:** (a) General Fund support of \$70,800 in fiscal year 2020-2021 is contained in the Local Facilities Fund for an additional parking lot in Brownsville. This funding shall be contingent upon the local unit of government contributing \$20,000 towards the completion of the additional parking lot.

(b) Notwithstanding any statute to the contrary, any unexpended balance from the appropriation set forth in paragraph (a) of this subsection shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

### A. JUDICIAL BRANCH

#### Budget Units

##### 1. Local Facilities Fund

Project	Project Scope
001. Barren	31,615,000
002. Butler	11,860,000
003. Clinton	17,435,000
004. Crittenden	11,965,000
005. Jessamine	28,440,000
006. Scott	37,330,000

##### 2. Lease Authorizations

- 001. Franklin County - Lease - Court of Appeals
- 002. Jefferson County - Lease - Parking

### 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. 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 2020 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 Funds:** Notwithstanding KRS 45.229, any unexpended balance remaining at the close of the fiscal years ending June 30, 2020, and June 30, 2021, shall not lapse and shall continue into the next fiscal year.

**6. Final Budget Document:** The Director of the Administrative Office of the Courts shall prepare a final budget document reflecting the 2020-2022 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 2020 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:** Notwithstanding KRS 48.630(10), no revisions for unbudgeted Restricted Funds appropriations for expenditure shall be allotted or expended that have not been appropriated in any enacted branch budget bill or without the express authority of the General Assembly. Proposed revisions to unbudgeted Federal Funds appropriations for expenditure in this Act shall be made and reported to the Interim Joint Committee on Appropriations and Revenue. 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. 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, 2020, June 30, 2021, and June 30, 2022, shall not be issued prior to July 1, 2020, July 1, 2021, and July 1, 2022, respectively.

**10. Maximum Salary of Trial Commissioners:** Pursuant to KRS 24A.100(3), no trial commissioner shall be compensated at a rate greater than \$7,200. No funding is provided for trial commissioners commissioned in counties with a residing District Judge.

**11. Authorized Personnel Complement:** On July 1, 2020, the Administrative Office of the Courts shall establish a record for each budget unit of authorized permanent full-time and other positions based upon the enacted Judicial 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. The Director of the Administrative Office of the Courts may request an increase in the number of authorized positions to the Chief Justice. Upon approval, the Administrative Office of the Courts 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.

**12. Debt Restructuring:** Notwithstanding any other provision of the Kentucky Revised Statutes, use allowance payments shall not be amended to reflect debt restructuring transactions undertaken by a county during the 2020-2022 fiscal biennium.

**13. Court Facility Maintenance Fund Report:** For each of the periods ending June 30, 2020, and June 30, 2021, the Director of the Administrative Office of the Courts shall prepare a court facility maintenance report. This report shall detail all court facility maintenance undertaken by the Court of Justice, to include any cost-sharing with counties, as well as detail regarding future maintenance needs. This report shall include a statewide expenditure summary followed by individual county expenditures detailing the state's and county's respective share of expenditures. The Administrative Office of the Courts shall provide this report to the Interim Joint Committee on Appropriations and Revenue by September 15 of each fiscal year.

**14. Biennial Audits:** ~~[(1) — The Court of Justice shall obtain a biennial, external financial audit of all funds and accounts under its administration. Each audit shall be conducted in accordance with Generally Accepted Government Auditing Standards.~~

~~[(2) — The selected accountant shall forward a copy of the audit report and management letters to the Auditor of Public Accounts and the Interim Joint Committee on Appropriations and Revenue within 60 days of the completion of each audit.]~~

~~[(3) — The Auditor of Public Accounts shall have the right to review, upon request, the accountant's work papers[for the report required in subsection (2) of this section].~~

**15. Budgetary Restructuring:** The Court of Justice is hereby notified that it is the intent of the General Assembly that, beginning with the 2022-2024 biennium, the Court of Justice shall establish new appropriation units specific to the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, 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. The Court of Justice shall also begin tracking expenditures by location for each of the new appropriation units identified herein.

~~**[16. — Employee Layoffs, Furloughs, and Reduced Hours:** Notwithstanding any statute to the contrary, the following process and procedure is established for July 1, 2020, through June 30, 2021, in the event that the Chief Justice determines that it is desirable for the Court of Justice to layoff, furlough, or reduce hours of employees:~~

~~[(1) — For the purposes of this section:~~

~~(a) — "Appointing authority" means the Chief Justice, in his or her capacity as provided in KRS 27A.010, or any agent whom he or she has delegated to act on his or her behalf with respect to employee appointments, position establishments, payroll documents, reemployment requests, waiver requests, requests for certification, or other position actions for the Court of Justice;~~

~~(b) — "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period;~~

~~(c) — "Layoff" means discharge of employment subject to the rights contained in this section; and~~

~~(d) — "Employees" includes all persons employed by the Court of Justice;~~

~~(2) — Upon an order by the Chief Justice, an appointing authority has the authority to layoff or furlough employees or reduce hours of employment for any of the following reasons:~~

~~(a) — Lack of funds or budgetary constraints;~~

~~(b) — A reduction in the agency's spending authorization;~~

~~(c) — Lack of work;~~

~~(d) — Abolishment of a position; or~~

~~(e) — Other material change in duties or organization;~~

~~(3) — The appointing authority shall determine the job classifications affected and the number of employees laid off in each classification and each county to which a layoff applies. In the same department or office, county, and job classification, interim and probationary employees shall be laid off before any full time or part time employees with status are laid off. For purposes of layoff, "probationary employee" does not include an employee with status serving a promotional probation;~~

~~(4) — The Chief Justice shall approve and implement all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until such approval has been granted. The Chief Justice has the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section;~~

~~(5) — In determining the employees to be laid off, the appointing authority shall consider all employees under the same appointing authority, within the job classification affected, and within the county affected. Consideration shall be given to the following relevant factors:~~

~~(a) — Job performance evaluations;~~

~~(b) — Seniority;~~

~~(c) — Education, training, and experience; and~~

~~(d) — Disciplinary record;~~

~~(6) — Any employee whose position is subject to layoff, furlough, or reduction of hours shall be provided written notice containing the reason for the action as set forth in subsection (2) of this section at least 15 days in advance of the effective date of the action;~~

~~(7) — Any tenured employee who is laid off shall be eligible to apply as a reemployment applicant for positions with the same job classification in the Court of Justice. For a period of two years, a reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same reemployment list. When a reemployment applicant is removed from a reemployment list, he or she shall be notified in writing. A reemployment applicant who accepts another Court of Justice position, tenured or non tenured, or who retires, shall cease to have eligibility rights as a reemployment applicant;~~

~~(8) — The appointing authority may place employees subject to a reduction in force;~~

~~(9) — Furloughs or reduction of hours during a pay period shall not result in the loss of eligibility for any benefit otherwise due the employee;~~

~~(10) — The appointing authority shall have the authority to promulgate comprehensive administrative regulations governing this section; and~~

~~(11) — A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be considered a penalization of the employee.}~~

**17. Unexpended Use Allowance:** Notwithstanding any provision of the Kentucky Revised Statutes, any General Fund moneys appropriated for project-related expenses or use allowance payments in fiscal year 2020-2021 that are not expended specifically for project-related expenses or use allowance payments in fiscal year 2020-2021 shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

**18. Public Health Emergency:** For the duration of the Governor's declaration of a State of Emergency in response to the novel coronavirus (COVID-19), the Chief Justice of the Commonwealth is authorized to declare a Judicial Emergency to protect the health and safety of court employees, elected officials, and the general public. A Judicial Emergency shall extend any administrative actions deadlines, and statutory timelines and statutes of

limitations for court filings and proceedings, including but not limited to KRS 446.030, 500.050, and Chapters 342, 376, 403, 413, 456, and 620. The extensions provided herein shall be effective until 30 days after the emergency order of the Chief Justice or the Governor ends, whichever is later. This provision shall apply both prospectively and retroactively.

#### PART IV

#### BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Judicial Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with KRS Chapter 48, except that obligations essential to the constitutional duties and use allowance of the Judicial Branch shall be exempt from any Budget Reduction Plan. The level of participation in a Budget Reduction Plan shall be at the discretion of the Chief Justice and shall not exceed the actual percentage of revenue shortfall.

**Line items vetoed April 13, 2020. Line items not acted upon and became law April 15, 2020. Vetoes displayed with brackets and strike-throughs.**

#### CHAPTER 97

#### ( HB 298 )

AN ACT relating to police pursuit policies 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 61 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section, "law enforcement agency" means:*

- (a) *Any public agency that employs a police officer as defined in KRS 15.420 or a special law enforcement officer as defined in KRS 61.900;*
- (b) *Any public agency that is composed of or employs other public peace officers; and*
- (c) *Any elected or appointed peace officer who is authorized to exercise powers of a peace officer as defined in KRS 446.010.*

(2) *On or before January 1, 2021, each law enforcement agency of this state shall adopt, implement, enforce, and maintain written policies that establish standards and procedures for the vehicular pursuit of any person who has violated or is suspected of violating the laws of this state. The policy shall create guidelines for determining when the interests of public safety and effective law enforcement justify the initiation or termination of a vehicular pursuit. The policy shall address the following subjects:*

- (a) *The definition of pursuit that will be governed under the law enforcement agency's policy;*
- (b) *Decision-making criteria or principles that are designed to assist peace officers in determining whether to initiate a pursuit. The criteria or principles may include but shall not be limited to:*
  - 1. *The potential for harm or potential danger to others if the fleeing individual evades or escapes immediate custody;*
  - 2. *The seriousness of the offense committed or believed to be committed, by the fleeing individual or individuals, prior to the officer activating emergency equipment;*
  - 3. *If the officer has a reasonable and articulable suspicion that the driver or an occupant of the vehicle in which they are fleeing represent a clear and present danger to the public safety;*
  - 4. *Safety factors that pose a risk to peace officers, other motorists, pedestrians, or other third parties;*
  - 5. *Vehicular or pedestrian traffic safety and volume;*
  - 6. *Weather and vehicle conditions;*
  - 7. *Potential speeds of the pursuit; and*

8. *Consideration of whether the identity of an offender is known and could be apprehended at a later time;*
- (c) *Responsibilities of the pursuing peace officer or officers, including pursuit tactics and when those tactics are appropriate for use by the officer or officers;*
- (d) *Procedures for designating the primary pursuit vehicle and for determining the total number of vehicles that are permitted to participate at one (1) time in the pursuit;*
- (e) *Coordination of communications during the pursuit, including but not limited to responsibilities of the pursuing officer to communicate with his or her communications center at the commencement of a pursuit regarding the location, direction of travel, reason for the pursuit, and ongoing status reporting during the pursuit;*
- (f) *A requirement that there is supervisory control of the pursuit, including the responsibilities of command staff or other supervisors during the pursuit, if a supervisor is available;*
- (g) *The circumstances and conditions where the use of pursuit intervention tactics, including but not limited to blocking, ramming, boxing, and roadblock procedures may be employed;*
- (h) *Decision-making criteria or principles that are designed to assist peace officers in making an ongoing determination during the course of the pursuit of whether to continue the pursuit or to terminate or discontinue it. The criteria or principles may include but shall not be limited to:*
  1. *The potential for harm or potential danger to others if the fleeing individual evades or escapes immediate custody;*
  2. *The seriousness of the offense committed or believed to have been committed by the individual or individuals that are fleeing;*
  3. *Safety factors that pose a risk to peace officers, other motorists, pedestrians, or other third parties;*
  4. *Vehicular or pedestrian traffic safety and volume;*
  5. *Weather and vehicle conditions;*
  6. *Speeds of the pursuit;*
  7. *Consideration of whether the identity of an offender is known and could be apprehended at a later time; or*
  8. *Where the officer has a reasonable and articulable suspicion that the driver or an occupant of the vehicle in which they are fleeing represent a clear and present danger to the public safety;*
- (i) *Procedures for coordinating the pursuit with other law enforcement agencies, including procedures for interjurisdictional pursuits; and*
- (j) *A process for reporting and evaluating each pursuit by the law enforcement agency.*
- (3) *The policy adopted by a law enforcement agency may be a model policy that has been endorsed by a national or state organization if the model complies with subsection (2) of this section and other laws of this Commonwealth.*
- (4) *Upon the initial adoption of the policy, a law enforcement agency shall cause a full copy of its policy to be filed with the Justice and Public Safety Cabinet, which shall maintain a list of law enforcement agencies that have complied with the requirements of this section.*
- (5) *Each law enforcement agency shall receive and maintain written confirmation from each officer in its employment that he or she has received a copy of the policy, and that he or she has received instruction or training specific to the law enforcement agency's policy.*
- (6) *Any policy adopted pursuant to this section shall be reviewed annually and may be revised at any time by the agency adopting it. The agency shall cause a full copy of any revised policy to be filed with the Justice and Public Safety Cabinet within ten (10) days of its adoption.*
- (7) *The requirements of this section are solely intended to direct law enforcement agencies to adopt, implement, enforce, and maintain written vehicular pursuit policies and outline the subjects of these policies. This section shall not be interpreted or construed to:*

- (a) ***Mandate the actions of individual peace officers of a law enforcement agency during any particular pursuit;***
- (b) ***Restrict a law enforcement agency from adopting additional policy requirements, including policies that limit or prohibit vehicular pursuits; or***
- (c) ***Create any civil liability upon peace officers, law enforcement agencies, or any public agency for the process of creating the vehicular pursuit policies or the process of documenting compliance with the vehicular pursuit policies.***

➔Section 2. KRS 15.440 is amended to read as follows:

- (1) Each unit of government that 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) Requires all police officers to have, at a minimum, a high school degree, or its equivalent as determined by the council, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection;
  - (d)
    1. Requires all police officers to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the council, which may provide a different number of hours of instruction as established in this paragraph, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 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 nine hundred twenty-eight (928) 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 provided by 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 as provided 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 provided by subparagraphs 2. and 3. of this paragraph.
    5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
      - a. Years of service credit as a law enforcement officer with previous service in another state; and
      - b. Basic training completed in another state;
  - (e) Requires all police officers 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 the officer's police department, of 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 council, ***which may include a four (4) hour course which meets the requirements of paragraph (j) of this subsection.*** This ***in-service training*** 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) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150 and transmission of reports as required by KRS 15.391;
  - (g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
  - (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; 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 Health and Family Services, 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 provided by, and has been approved by, the cabinet, and which includes:
    - 1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 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 police department be transmitted to a police department with jurisdiction within ten (10) days of its receipt by the police 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 police 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; ***and***
  - (j) ***Requires all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter a training course, certified by the council, of not less than four (4) hours in emergency vehicle operation.***
- (2) A 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 only if the police department of the unit of government remains in compliance with the requirements of this section.
  - (3) Deputies employed by a sheriff's office shall be eligible to participate in the distribution of funds from the Law Enforcement Foundation Program fund regardless of participation by the sheriff.
  - (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 186.560 (Effective July 1, 2020) is amended to read as follows:

- (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his or her:
  - (a) Conviction of any of the following offenses:
    1. Murder or manslaughter resulting from the operation of a motor vehicle;
    2. Driving a vehicle which is not a motor vehicle while under the influence of alcohol or any other substance which may impair one's driving ability;
    3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways;
    4. Any felony in the commission of which a motor vehicle is used;
    5. Conviction or forfeiture of bail upon three (3) charges of reckless driving within the preceding twelve (12) months;
    6. Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident;
    7. Conviction of theft of a motor vehicle or any of its parts, including the conviction of any person under the age of eighteen (18) years;
    8. Failure to have in full force and effect the security required by Subtitle 39 of KRS Chapter 304 upon conviction of a second and each subsequent offense within any five (5) year period;
    9. Conviction for fraudulent use of a driver's license or use of a fraudulent driver's license to purchase or attempt to purchase alcoholic beverages, as defined in KRS 241.010, in violation of KRS 244.085(4);~~and~~
    10. Conviction of operating a motor vehicle, motorcycle, or moped without an operator's license as required by KRS 186.410; ~~and~~~~or~~
    - 11. Conviction of fleeing or evading police in the second degree when the offense involved the operation of a motor vehicle; or**
  - (b) Being found incompetent to stand trial under KRS Chapter 504.
- (2) If the person convicted of any offense named in subsection (1) of this section or who is found incompetent to stand trial is not the holder of a license, the cabinet shall deny the person so convicted a license for the same period of time as though he had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the cabinet shall forthwith cancel it.
- (3) The cabinet, upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied, or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation, or withdrawal for an additional like period.
- (4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a period of not less than five (5) years. Revocations or denials under this section shall not be subject to any lessening of penalties authorized under any other provision of this section or any other statute.
- (5) Except as provided in subsections (3), (4), (8), and (9) of this section, in all other cases, the revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six (6) months, except that if the same person has had one (1) previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial, or withdrawal shall be one (1) year. If the person has had more than one (1) previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial, or withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of the written recommendation of the court in which any person has been convicted of violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's license or fraudulent driver's license was the identification used or attempted to be used in the commission of the offense, who has had no previous conviction of said offense, the person's operator's license shall not be revoked, but the person's operator's license shall be restricted to any terms and conditions the secretary in his discretion may require,

provided the person has enrolled in an alcohol or substance abuse education or treatment program as the cabinet shall require. If the person fails to satisfactorily complete the education or treatment program or violates the restrictions on his operator's license, the cabinet shall immediately revoke his operator's license for a period of six (6) months.

- (6) In order to secure the reinstatement of a license to operate a motor vehicle or motorcycle restored following a period of suspension pursuant to KRS Chapter 189A, the person whose license is suspended shall comply with the fees and other procedures of the Transportation Cabinet with regard to the reinstatement of suspended licenses.
- (7) The cabinet shall revoke the license of any operator of a motor vehicle upon receiving notification that the person is under age eighteen (18) and has dropped out of school or is academically deficient, as defined in KRS 159.051(1).
- (8) A person under the age of eighteen (18) who is convicted of the offenses of subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this section, shall have his license revoked until he reaches the age of eighteen (18) or shall have his license revoked as provided in this section, whichever penalty will result in the longer period of revocation.
- (9) A revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section due to a person being found incompetent to stand trial shall extend until the person is found competent to stand trial or the criminal case is dismissed.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

*Each law enforcement agency or other employing agency whose officers are required to meet the training requirements of subsection (1)(j) of Section 2 of this Act shall retain a record of each of its officers having met the biennial training. These records shall be made available upon request to the Kentucky Law Enforcement Council and to the Justice and Public Safety Cabinet.*

➔Section 5. Section 1 of this Act may be cited as Jill's Law.

**Signed by Governor April 24, 2020.**

## CHAPTER 98

( HB 570 )

AN ACT relating to interlocal cooperation agreements.

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

➔Section 1. KRS 65.220 is amended to read as follows:

It is the purpose of KRS 65.210 to 65.300 to permit **public agencies** ~~local governmental units and the sheriff upon approval of the fiscal court~~ to make the most efficient use of their powers by enabling them to cooperate with **each other** ~~other localities~~ on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

➔Section 2. KRS 65.230 is amended to read as follows:

As used in KRS 65.210 to 65.300, unless the context otherwise requires

- (1) **"Interlocal agency" means a separate legal or administrative entity with a governing board that is created in an agreement entered into by public agencies pursuant to the provisions of KRS 65.210 to 65.300;**
- (2) **"Local government" means any:**
  - (a) **City;**
  - (b) **County;**
  - (c) **Consolidated local government;**



- (d) *Urban-county government;*
  - (e) *Charter county government; or*
  - (f) *Unified local government;*~~[-]~~
- (3) "Public agency" means:~~[-any]~~
- (a) *Any local government;*
  - (b) *Any political subdivision of this state or of another state;*~~[-]~~
  - (c) *Any agency, board instrumentality, or commission created by a local government;*~~[-any]~~
  - (d) *Any taxing district as defined by KRS 65.180;*
  - (e) *Any special purpose government entity as defined in KRS 65A.010(9)(a) to (c), including those entities that are exempt from the definition of special purpose governmental entity under the provisions of KRS 65A.010(9)(d)7. to 9.;*
  - (f) *Any interlocal agency;*
  - (g) *The Commonwealth or any agency or instrumentality of the state government or of the United States, including but not limited to a state-supported institution of higher education*~~[-, a sheriff, any]~~
  - (h) *Any county school district or independent school district; and*~~[-, and any political subdivision of another state. It also means a]~~
  - (i) *Any* ~~[-state supported or -]~~private institution of higher education *entering into an agreement authorized by subsection (4) of Section 4 of this Act with another public agency*~~[- and a county or independent public school district for the purposes of entering into a joint agreement to establish and operate a program or facility, including a center for child learning and study, designed to help one (1) or more schools meet any of the goals set forth in KRS 158.6451, or for the investment of funds. If a private institution of higher education proposes to participate in an agreement pursuant to the Interlocal Cooperation Act, the Attorney General shall determine if the proposal is compatible with the United States Constitution, as part of the review of the agreement provided in KRS 65.260(2)].~~

➔Section 3. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED TO READ AS FOLLOWS:

- (1) *A public agency as defined in subsection (3)(c) to (f) of Section 2 of this Act shall provide written notification to the governing body of each of its establishing local governments of its intent to enter into an interlocal agreement pursuant to the provisions of KRS 65.210 to 65.300 that includes a:*
  - (a) *Written description and purpose of the proposed agreement;*
  - (b) *Copy of the proposed agreement; and*
  - (c) *Statement that the governing body of the establishing local government may either approve or disapprove the public agency's entry into the proposed agreement by sending a written response of its approval or disapproval within thirty (30) days of the receipt of the notification from the public agency. The statement shall also note that if an establishing local government does not respond within that thirty (30) day period, the establishing local government shall be deemed to have approved the proposed entry into the agreement.*
- (2) *In order for a public agency as defined in subsection (3)(c) to (f) of Section 2 of this Act to enter into an agreement pursuant to the provisions of KRS 65.210 to 65.300, each governing body of the local government establishing that public agency, if more than one (1), shall:*
  - (a) *Notify the public agency of its approval in writing within thirty (30) days of receipt of the notification as set out in subsection (1) of this section; or*
  - (b) *Make no response. If the governing body of the local government makes no response within thirty (30) days of the notification as set out in subsection (1) of this section, the nonresponse shall be deemed to be approval of the proposal.*

➔Section 4. KRS 65.240 is amended to read as follows:

- (1) Any ~~[-power or -]~~powers, privileges, or *authorities*~~[-authority]~~ exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of the United States

permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by KRS 65.210 to 65.300 upon a public agency.

- (2) Any two (2) or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of KRS 65.210 to 65.300, ***including but not limited to for the sharing of revenues and physical assets***. Appropriate action by ordinance, resolution or otherwise pursuant to law, of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.
- (3) Any public agency may enter into agreements with another public agency or agencies pursuant to KRS 65.210 to 65.300 to acquire by purchase or lease, any real or personal property, or any interest, right, easement, or privilege therein, outside of its municipal or jurisdictional boundaries, in connection with the acquisition, construction, operation, repair, or maintenance of any ***water***, sewage, wastewater, or storm water facilities, notwithstanding any other provision of the Kentucky Revised Statutes restricting, qualifying, or limiting their authority to do so, except as set forth in KRS Chapter 278.
- (4) A ***private***~~[state-supported]~~ institution of higher education and one (1) or more county ***school districts*** or independent ~~[public]~~ school districts may enter into agreements under KRS 65.210 to 65.300 for the purposes ***of establishing and operating a program or facility, including a center for child learning and study, designed to help one (1) or more schools meet the goals set out in KRS 158.6451, or for the investment of funds if the Attorney General determines that the proposal is compatible with the United States Constitution as part of the review of the agreement provided in subsection (2) of Section 9 of this Act***~~[specified in KRS 65.230]~~, notwithstanding any other provision of the statutes restricting, qualifying or limiting their authority to do so.

➔Section 5. KRS 65.242 is amended 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 ***solely*** 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 ***or the interlocal agency created by the agreement shall file a copy of the amended agreement with***~~[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.]~~

➔Section 6. KRS 65.250 is amended to read as follows:

- (1) Any ~~[such]~~ agreement ***entered into under KRS 65.210 to 65.300*** shall specify the following:

- (a) The ***purpose and*** duration of the agreement;
  - (b) ***If the agreement creates an interlocal agency:***
    - 1. The ~~{precise}~~ organization, composition, ***authority***, and nature of ***the interlocal agency, including the term and qualifications of the members of the governing authority and their manner of appointment or selection;*** ~~{any separate legal or administrative entity created thereby together with}~~
    - 2. A statement of the powers delegated ***to the interlocal agency or any restrictions, limitations, or conditions the contracting parties wish to place on those powers*** ~~{thereto; provided such legal entity may be legally created}~~; ***and***
    - 3. ***A general statement of any responsibilities of the interlocal agency to the parties that established it;***
  - (c) ~~{The purpose or purposes of such legal or administrative entity;~~
  - ~~(d)}~~ ~~{The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor; said agreement for financing the joint or cooperative undertaking shall include agreements relative to the respective responsibilities of the ***public agencies*** ~~{units of government}~~ involved for the payment of the employer's share involved in any pertinent pension plan or plans, if any, provided for by KRS 65.280;~~
  - ~~(d){(e)}~~ The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement, ***including the method*** ~~{and}~~ for disposing of property upon such partial or complete termination; ***and***
  - ~~(e){(f)}~~ Any other necessary and proper matters.
- (2) In the event that the agreement does not establish ***an interlocal agency*** ~~{a separate legal or administrative entity}~~ to conduct the joint or cooperative undertaking, the agreement shall, in addition to paragraphs (a), (c), (d), ***and*** ~~(e){and (f)}~~ enumerated in subsection (1) of this section, contain the following:
- (a) Provision for an administrator ~~{or joint board}~~ responsible for ~~{administering}~~ the joint or cooperative undertaking ~~{In the event that a joint board is established, the public agencies party to the agreement shall be represented thereon}~~; ***and***
  - (b) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

➔Section 7. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED TO READ AS FOLLOWS:

- (1) ***An interlocal agency created by the interlocal agreement shall constitute an agency and instrumentality of the public agencies party to the interlocal agreement for the purpose of performing the essential governmental functions and the public purposes authorized by the interlocal agreement.***
- (2) ***Unless restricted, limited, or otherwise conditioned under the terms of the interlocal agreement, an interlocal agency is authorized to exercise any powers not in conflict with local, state, or federal law or in conflict with the interlocal agreement that are necessary and convenient to accomplish the purposes for which the interlocal agency was created.***
- (3) ***To the extent that any of the provisions of the interlocal agreement are more restrictive, or limit the powers, privileges, or authority of the interlocal agency that are otherwise allowed by KRS 65.210 to 65.300, the provisions of the interlocal agreement shall control.***
- (4) ***The status and authorities of an interlocal agency granted in this section, unless limited by the interlocal agreement, is cumulative and in addition to the powers and authority of an interlocal agency that may otherwise exist and that are granted or implied under any other laws of the Commonwealth to a specific type of public body that may also function as an interlocal agency under KRS 65.210 to 65.300.***
- (5) ***Nothing in this section shall be construed to grant an interlocal agency the ability to levy a tax.***
- (6) ***An interlocal agency created by an interlocal agreement shall be deemed to be a public agency as defined in KRS 61.805 and 61.870, and as such shall be subject to KRS 61.800 to 61.850 and 61.870 to 61.884.***

➔Section 8. KRS 65.255 is amended to read as follows:

If an agreement entered into under the authority of KRS 65.210 to 65.300 provides for cooperative action in the utilization of peace officers, **those peace officers**, ~~police department members,~~ while in the performance of their duties under ~~the~~ ~~such an~~ agreement outside their own city, ~~or~~ county, **or other jurisdiction**, shall have the full power of arrest and all other powers they possess in their own city, ~~or~~ county, **or other jurisdiction**, and shall have the same immunities and privileges as if the duties were performed in their own city, ~~or~~ county, **or other jurisdiction**.

➔Section 9. KRS 65.260 is amended to read as follows:

- (1) No agreement made pursuant to KRS 65.210 to 65.300 shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by **an interlocal agency** ~~a joint board or other legal or administrative entity created by an agreement made pursuant to KRS 65.210 to 65.300~~, that performance may be offered in satisfaction of the obligation or responsibility.
- (2) Except as provided in subsections (3) and (4) of this section, every agreement made pursuant to KRS 65.210 to 65.300 shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of this state ~~except for interlocal agreements between cities, counties, charter counties, urban county governments, and sheriffs upon approval of the fiscal court, which shall be submitted to the Department for Local Government~~. The Attorney General ~~for the Department for Local Government~~ shall approve any agreement submitted to **his or her office** ~~them~~ under this subsection unless **he or she finds** ~~they find~~ that it does not meet the ~~requirements~~ ~~conditions~~ set forth in KRS 65.210 to 65.300. If the agreement does not meet these ~~requirements~~ ~~conditions~~, the Attorney General ~~for the Department for Local Government~~ shall detail in writing, addressed to the ~~governing bodies of the~~ public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of law. **The failure of the Attorney General** to disapprove an agreement submitted **under this subsection** ~~hereunder~~ within **thirty (30)** ~~sixty (60)~~ days of its submission shall constitute approval thereof.
- (3)
  - (a) ***In lieu of the requirements of subsection (2) of this section, agreements involving only local governments, an agency, board, instrumentality, or commission created exclusively by one (1) or more local governments, or any combination thereof, shall prior to and as a condition precedent to its entry into force, be submitted to the Department for Local Government. The department shall determine whether the agreement is in proper form and shall approve any agreement submitted to it under this subsection unless it finds that the agreement does not meet the requirements set out in KRS 65.210 to 65.300. If the agreement does not meet these requirements, the department shall detail, in writing, addressed to the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of KRS 65.210 to 65.300. The failure of the department to disapprove an agreement submitted under this subsection within thirty (30) days of its submission shall constitute approval thereof.***
  - (b) ***The approval of an agreement by the Department for Local Government under paragraph (a) of this subsection shall be deemed final and conclusive that the agreement meets the requirements of KRS 65.210 to 65.300, and the agreement shall not thereafter be subject to challenge as to the validity of its formation.***
- (4) The submission of an interlocal cooperative agreement to the Attorney General or the Department for Local Government as provided in **subsections (2) and (3)** ~~subsection (2)~~ of this section shall not be required for any cooperative agreement which involves:
  - (a) Only the construction, reconstruction, or maintenance of a municipal road or bridge, provided a written agreement is approved by each of the affected governing bodies ~~of the public agencies, or the administrative head of a public agency if there is no governing body; or~~
  - (b) ~~Interlocal cooperative agreements between school boards and local governments~~ ~~counties shall be exempt from the provisions of subsection (2) of this section~~.

➔Section 10. KRS 65.270 is amended to read as follows:

- (1) Whenever any two (2) or more public agencies, as defined in KRS 65.230, enter into an agreement for joint or cooperative action pursuant to the provisions of KRS 65.210 to 65.300, any public agency acting separately or jointly with one (1) or more of any other **public** agencies, may acquire, construct, maintain, add to, and improve the necessary property, real and personal, which is required in order to perform the functions under the agreement, and for the purpose of defraying the costs incident to the performance of the agreement, may borrow money and issue negotiable revenue bonds.

- (2) Any public agency or agencies may borrow money and issue bonds under this section pursuant to an order, resolution, or ordinance of its or their legislative or administrative body or bodies, which order, resolution, or ordinance shall set forth the terms of the agreement in full, the amount of the revenue bonds to be issued, and the maximum rate of interest. In every instance the order, resolution, or ordinance shall provide that the joint or cooperative action is being undertaken pursuant to the provisions of KRS 65.210 to 65.300.
- (3) The bonds may be issued to bear interest at a rate or rates or method of determining rates as the public agency or agencies determines, payable at *the times* ~~[least annually, and shall be executed in a manner and be payable at times not exceeding thirty (30) years from the date of issuance]~~ and at a place or places as the public agency or agencies determines.
- (4) The bonds may provide that they or any of them may be called for redemption prior to maturity ~~[, on interest payment dates not earlier than one (1) year from the date of issuance of the bonds]~~.
- (5) Any public agency is empowered to accept donations or gifts to the joint or cooperative action from any source and to accept appropriations and grants to the joint or cooperative action from the federal government or its agencies and appropriations from the state or any county, city, or other political subdivision and, at the option of the public agency or agencies, to pledge any donations, gifts, or appropriations to the payment of revenue bonds issued to finance the cost of a joint or cooperative action.
- (6) Bonds issued pursuant to this section shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature or countersignature shall be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in a manner and upon terms as the public agency or agencies deem best. The bonds shall be payable solely from the revenue derived from the joint or cooperative action and shall not constitute an indebtedness of the state, county, city, or political subdivision. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 65.210 to 65.300.
- (7) All money received from the bonds shall be applied solely for the acquisition, construction, maintenance, improvement, or operation of the joint or cooperative action, and the necessary expense of preparing, printing, and selling the bonds, or to advance the payment of interest on the bonds during the first three (3) years following the date of the issuance of the bonds.
- (8) ~~[Before the issuance of the bonds the public agencies party to the agreement shall, by orders, resolutions, or ordinances of their respective legislative bodies, set aside and pledge the income and revenue of the joint or cooperative action including rents, royalties, fees, and proceeds of sales of property and from rates and charges for services derived or rendered by the joint or cooperative action into a separate and special fund to be used and applied in payment of the cost of the maintenance, operation, and depreciation incident to the joint or cooperative action. The orders, resolutions, or ordinances shall determine and fix the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds, and the proportion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account. The remaining proportion of the balance shall be set aside for the reasonable and proper operation and maintenance of the joint or cooperative action.]~~
- (9) ~~[The rents, royalties, fees, rates, and charges for the service or sale of the joint or cooperative action shall be fixed and revised from time to time so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal of the bonds when due, and to provide for the operation and maintenance of the joint or cooperative action and an adequate depreciation account.]~~

➔Section 11. KRS 65.290 is amended to read as follows:

- (1) Before any agreement made pursuant to KRS 65.210 to 65.300 shall become operative or have force and effect, a certified copy thereof shall be filed with the ~~[county clerk of the county which is party to the agreement, the county clerk of the county wherein any other political subdivision of the state is located which is party to such agreement, and with the ]~~Secretary of State. *After the original filing of an agreement as provided in this section, no additional filing is required for agreements amended solely for the addition or removal of parties as provided under Section 5 of this Act.*
- (2) ~~[If in the event that]~~ an agreement entered into pursuant to KRS 65.210 to 65.300 is between or among one (1) or more public agencies of this state and one (1) or more public agencies of another state or of the United States, ~~that [said] agreement may [shall]~~ have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. ~~An [Such] action shall be~~

maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

➔Section 12. KRS 65.300 is amended to read as follows:

~~If in the event that~~ an agreement made pursuant to KRS 65.210 to 65.300 ~~deals~~~~[shall deal]~~ in whole or in part with the provisions of services or facilities ~~over~~~~[with regard to]~~ which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having ~~that~~~~[such]~~ power of control and shall be approved or disapproved by ~~the~~~~[such]~~ officer or agency as to all matters within the jurisdiction of ~~the~~~~[such]~~ officer or agency in the same manner and subject to the requirements governing the action of the Attorney General pursuant to subsection (2) of KRS 65.260. The requirement of this section shall be in addition to and not in substitution for the requirement of submission to and approval by the Attorney General under subsection (2) of KRS 65.260.

➔Section 13. KRS 68.200 is amended to read as follows:

- (1) As used in this section, unless the context clearly indicates otherwise:
  - (a) Motor vehicle means "vehicle" as defined in KRS 186.010(8)(a);
  - (b) Retailer means "retailer" as defined in KRS 139.010; and
  - (c) Gross rental charge means "gross rental charge" as defined in KRS 138.462~~[(4)]~~.
- (2) A county containing a designated city, consolidated local government, or urban-county government may levy a license fee on the rental of motor vehicles which shall not exceed three percent (3%) of the gross rental charges from rental agreements for periods of thirty (30) days or less. The license fee shall apply to retailers who receive more than seventy-five percent (75%) of their gross revenues generated in the county from gross rental charges. Any license fee levied pursuant to this subsection shall be collected by the retailer from the renters of the motor vehicles.
- (3) Revenues from rental of motor vehicles shall not be included in the gross rental charges on which the license fee is based if:
  - (a) The declared gross weight of the motor vehicle exceeds eleven thousand (11,000) pounds; or
  - (b) The rental is part of the services provided by a funeral director for a funeral; or
  - (c) The rental is exempted from the state sales and use tax pursuant to KRS 139.470.
- (4) A fiscal court or the legislative body of an urban-county government shall provide for collection of the license fee in the ordinance by which the license fee is levied. The revenues shall be deposited in an account to be known as the motor vehicle license fee account. The revenues may be shared among local governments pursuant to ~~KRS 65.210 to 65.300~~~~[KRS 65.245]~~.
- (5) The county shall use the proceeds of the license fee for economic development activities. It shall distribute semiannually, by June 30 and December 31, all revenues not shared pursuant to ~~KRS 65.210 to 65.300~~~~[KRS 65.245]~~, to one (1) or more of the following entities if it has established, or contracted with, the entity for the purposes of economic development and is satisfied that the entity is promoting satisfactorily the county's economic development activities:
  - (a) A riverport authority established by the county pursuant to KRS 65.520; or
  - (b) An industrial development authority established by the county pursuant to KRS 154.50-316; or
  - (c) A nonprofit corporation as defined in KRS 273.161(4) which has been organized for the purpose of promoting economic development.

The entity shall make a written request for funds from the motor vehicle license fee account by May 31 and November 30, respectively.

- (6) (a) As used in this section, "designated city" means a city on the registry maintained by the Department for Local Government under this subsection.
- (b) On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first, second, and third class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 14. KRS 154.22-040 is amended to read as follows:

- (1) Each year, the authority shall, under its Rural Economic Development Assistance Program, on the basis of the final unemployment figures calculated by the Department of Workforce Investment in the Education and Workforce Development Cabinet, determine which counties have had a countywide rate of unemployment exceeding the statewide unemployment rate of the Commonwealth in the most recent five (5) consecutive calendar years, or which have had an average countywide rate of unemployment exceeding the statewide unemployment rate of the Commonwealth by two hundred percent (200%) in the most recent calendar year, and shall certify those counties as qualified counties. A county not certified on the basis of final unemployment figures may also be certified as a qualified county if the authority determines the county is one (1) of the sixty (60) most distressed counties in the Commonwealth based on the following criteria with equal weight given to each criterion:
  - (a) The average countywide rate of unemployment in the most recent three (3) consecutive calendar years, on the basis of final unemployment figures calculated by the Department of Workforce Investment in the Education and Workforce Development Cabinet;
  - (b) In each county the percentage of adults twenty-five (25) years of age and older who have attained at least a high school education or equivalent, on the basis of the most recent data available from the United States Department of Commerce, Bureau of the Census; and
  - (c) Road quality, as quantified by the access within a county to roads ranked in descending order from best quality to worst quality as follows: two (2) or more interstate highways, one (1) interstate highway, a state four (4) lane parkway, four (4) lane principal arterial access to an interstate highway, state two (2) lane parkway and none of the preceding road types, as certified by the Kentucky Transportation Cabinet to the authority.

If the authority determines that a county which has previously been certified as a qualified county no longer meets the criteria of this subsection, the authority shall decertify that county. The authority shall not provide inducements for any facilities in that county and an approved company shall not be eligible for the inducements offered by KRS 154.22-010 to 154.22-070 unless the tax incentive agreements required herein are entered into by all parties prior to July 1 of the year following the calendar year in which the authority decertified that county. In addition, the authority shall certify coal-producing counties, not otherwise certified as qualified counties in this subsection, for economic development projects involving the new construction of electric generation facilities. A coal-producing county shall mean a county in the Commonwealth of Kentucky that has produced coal upon which the tax imposed under KRS 143.020 was paid at any time. For economic development projects undertaken in a regional industrial park, as defined in KRS 42.4588, or in an industrial park created pursuant to an interlocal agreement in which revenues are shared as provided in **KRS 65.210 to 65.300**~~[KRS 65.245]~~, where the physical boundaries of the industrial park lie within two (2) or more counties of which at least one (1) of the counties is a qualified county under this section, an eligible company undertaking an economic development project within the physical boundaries of the industrial park may be approved for the inducements under KRS 154.22-010 to 154.22-080.

- (2) The authority shall establish the procedures and standards for the determination and approval of eligible companies and their economic development projects by the promulgation of administrative regulations in accordance with KRS Chapter 13A. The criteria for approval of eligible companies and economic development projects shall include but not be limited to the creditworthiness of eligible companies; the number of new jobs to be provided by an economic development project to residents of the Commonwealth; and the likelihood of the economic success of the economic development project.
- (3) The economic development project shall involve a minimum investment of one hundred thousand dollars (\$100,000) by the eligible company and shall result in the creation by the eligible company, within two (2) years from the date of the final approval authorizing the economic development project, of a minimum of fifteen (15) new full-time jobs at the site of the economic development project for Kentucky residents to be employed by the eligible company and to be held by persons subject to the personal income tax of the Commonwealth. The authority may extend this two (2) year period upon the written application of an eligible company requesting an extension.
- (4) (a) Within six (6) months after the activation date, the approved company shall compensate a minimum of ninety percent (90%) of its full-time employees whose jobs were created with base hourly wages equal to either:
  1. Seventy-five percent (75%) of the average hourly wage for the Commonwealth; or

2. Seventy-five percent (75%) of the average hourly wage for the county in which the project is to be undertaken.
- (b) If the base hourly wage calculated in paragraph (a)1. or 2. of this subsection is less than one hundred fifty percent (150%) of the federal minimum wage, then the base hourly wage shall be one hundred fifty percent (150%) of the federal minimum wage. However, for projects receiving preliminary approval of the authority prior to July 1, 2008, the base hourly wage shall be one hundred fifty percent (150%) of the federal minimum wage existing on January 1, 2007. In addition to the applicable base hourly wage calculated above, the eligible company shall provide employee benefits equal to at least fifteen percent (15%) of the applicable base hourly wage; however, if the eligible company does not provide employee benefits equal to at least fifteen percent (15%) of the applicable base hourly wage, the eligible company may qualify under this section if it provides the employees hired by the eligible company as a result of the economic development project total hourly compensation equal to or greater than one hundred fifteen percent (115%) of the applicable base hourly wage through increased hourly wages combined with employee benefits.
- (c) The requirements of this subsection shall not apply to eligible companies which are nonprofit corporations established under KRS 273.163 to 273.387 and whose employees are handicapped and sheltered workshop workers employed at less than the established minimum wage as authorized by KRS 337.295.

For an eligible company, within a regional industrial park which lies within two (2) or more counties, the calculation of the wage and benefit requirement shall be determined by averaging the average county hourly wage for all counties within the regional industrial park.

- (5) No economic development project which will result in the replacement of agribusiness, manufacturing, or electric generation facilities existing in the state shall be approved by the authority; however, the authority may approve an economic development project that:
  - (a) Rehabilitates an agribusiness, manufacturing, or electric generation facility:
    1. Which has not been in operation for a period of ninety (90) or more consecutive days;
    2. For which the current occupant of the facility has published a notice of closure so long as the eligible company intending to acquire the facility is not an affiliate of the current occupant; or
    3. The title to which is vested in other than the eligible company or an affiliate of the eligible company and that is sold or transferred pursuant to a foreclosure ordered by a court of competent jurisdiction or an order of a bankruptcy court of competent jurisdiction;
  - (b) Replaces an agribusiness, manufacturing, or electric generation facility existing in the Commonwealth:
    1. The title to which shall have been taken under the exercise of the power of eminent domain, or the title to which shall be the subject of a nonappealable judgment granting the authority to exercise the power of eminent domain, in either event to the extent that normal operations cannot be resumed at the facility within twelve (12) months; or
    2. Which has been damaged or destroyed by fire or other casualty to the extent that normal operations cannot be resumed at the facility within twelve (12) months; or
  - (c) Replaces an existing agribusiness, manufacturing, or electric generation facility located in the same qualified county, and the existing agribusiness, manufacturing, or electric generation facility to be replaced cannot be expanded due to the unavailability of real estate at or adjacent to the agribusiness, manufacturing, or electric generation facility to be replaced. Any economic development project satisfying the requirements of this subsection shall only be eligible for inducements to the extent of the expansion, and no inducements shall be available for the equivalent of the agribusiness, manufacturing, or electric generation facility to be replaced. No economic development project otherwise satisfying the requirements of this subsection shall be approved by the authority which results in a lease abandonment or lease termination by the approved company without the consent of the lessor.
- (6) With respect to each eligible company making an application to the authority for inducements, and with respect to the economic development project described in the application, the authority shall request materials and make inquiries of the applicant as necessary or appropriate. Upon review of the application and completion of initial 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



development project. After preliminary approval, the authority may by final approval designate an eligible company to be an approved company.

➔Section 15. KRS 154.32-050 is amended to read as follows:

- (1) The authority shall identify and certify or decertify enhanced incentive counties on an annual basis as provided in this section.
- (2) Each fiscal year, the authority shall:
  - (a) Obtain from the Department of Workforce Investment in the Education and Workforce Development Cabinet, the final unemployment figures for the prior calendar year for each county and for the Commonwealth as a whole;
  - (b) Identify those counties which have had:
    1. A countywide unemployment rate that exceeds the statewide unemployment rate in the most recent five (5) consecutive calendar years; or
    2. An average countywide rate of unemployment exceeding the statewide unemployment rate by two hundred percent (200%) in the most recent calendar year; and
  - (c) Certify the counties identified in paragraph (b) of this subsection as enhanced incentive counties.
- (3) A county not certified under subsection (2) of this section may also be certified by the authority as an enhanced incentive county if the authority determines the county is one (1) of the sixty (60) most distressed counties in the Commonwealth based on the following criteria with equal weight given to each criterion:
  - (a) The average countywide rate of unemployment in the most recent three (3) consecutive calendar years, using the information obtained under subsection (2)(a) of this section;
  - (b) The percentage of adults twenty-five (25) years of age and older who have attained at least a high school education or equivalent, on the basis of the most recent data available from the United States Department of Commerce, Bureau of the Census; and
  - (c) The quality of the roads in the county. Quality of roads shall be determined by the access within a county to roads, ranked in descending order from best quality to worst quality, as certified to the authority by the Kentucky Transportation Cabinet as follows:
    1. Two (2) or more interstate highways;
    2. One (1) interstate highway;
    3. A state four (4) lane parkway;
    4. A four (4) lane principal arterial access to an interstate highway;
    5. A state two (2) lane parkway; and
    6. None of the preceding road types.
- (4)
  - (a) If the authority determines that an enhanced incentive county no longer meets the criteria to be certified as an enhanced incentive county under this section, the authority shall decertify that county.
  - (b) Any economic development project located in an enhanced incentive county that was decertified by the authority after May 1, 2009, shall have until July 1 of the third year following the fiscal year in which the county was decertified to obtain final approval from the authority.
- (5)
  - (a) As used in this subsection, "industrial park" means a regional industrial park as defined in KRS 42.4588, or an industrial park created pursuant to an interlocal agreement in which revenues are shared as provided in ~~KRS 65.210 to 65.300~~ ~~KRS 65.245~~.
  - (b) An economic development project undertaken in an industrial park that is located in two (2) or more counties, one (1) of which is an enhanced incentive county, may be approved for the enhanced incentive county incentives set forth in this subchapter.

➔Section 16. KRS 65.280 is amended to read as follows:

- (1) In the event that a public agency or agencies determine to transfer any of its employees to the joint or cooperative action, which employees are subject to any civil service laws or regulations, such employees shall not lose any rights or benefits which have accrued prior to such transfer. Such employees, when transferred, to

the joint or cooperative action from a public agency or agencies that are subject to any civil service laws or regulations, and who have completed probationary appointments with the public agency or agencies prior to the date of transfer, shall be considered as having satisfied all of the qualifications of the joint or cooperative action and shall be given full and regular appointments as defined in such laws or regulations as of the date they are transferred to the joint or cooperative action.

- (2) In the event that the joint or cooperative action is such that its employees would be afforded civil service rights or benefits if they were employees of a county or city, such employees shall be afforded the protection of civil service laws or regulations; provided, however, that such protection is available under the laws of this state.
- (3) In the event the joint or cooperative action employs a person employed immediately prior thereto by a component city or county, or by a special district, such employee shall be deemed to remain an employee of such city, county or special district for the purposes of any pension plan of such city, county, or special district, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the city, county, or special district, until the joint or cooperative action has provided a pension plan to which such employee is eligible and such employee has elected, in writing, to participate therein. Until such election, the joint or cooperative action shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of the plan of such city, county, or special district and the joint or cooperative action shall pay to the city, county, or special district any amounts required to be paid under the provisions of such plan by employer and employee, unless an agreement, not adversely affecting the employee's interest, or expectancy, has been made pursuant to KRS 65.250 (1)(c)~~((d))~~ for the payment of the employer's pension obligation.

➔Section 17. Nothing in Sections 1 to 16 of this Act shall be construed to invalidate any interlocal agreement entered into pursuant to KRS 65.210 to 65.300 prior to the effective date of this Act.

➔Section 18. The following KRS section is repealed:

65.245 Cooperative interlocal agreements for the sharing of revenues.

**Signed by Governor April 24, 2020.**

## CHAPTER 99

( SB 191 )

AN ACT relating to substance use disorders.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) *For the purposes of this section only:*

(a) *"Employee" means a person who has failed a drug screen related to employment; and*

(b) *"Employer" means an employer who elects to employ a person who has failed a drug screen related to employment.*

(2) *The purpose of this section is to foster economic opportunities for individuals with histories of substance use disorder and to encourage employer participation in substance use disorder treatment programs.*

(3) *The Cabinet for Health and Family Services shall, in conjunction with the Office of Drug Control Policy, promulgate any administrative regulations necessary to implement an employer-facilitated substance use disorder treatment program for employees who have failed an employment-related drug screen. The administrative regulations, at a minimum, shall include provisions:*

(a) *Enumerating elements necessary in an employer's drug policy if the employer elects to participate in an employer-facilitated substance use disorder treatment program;*

(b) *Mandating an initial clinical assessment of the employee by a qualified health professional and creation of a written treatment plan;*

- (c) *Containing referral information for clinical assessments of employees, education, and treatment options;*
  - (d) *Requiring the employee provide its employer with proof of the employee's active participation in a licensed drug education and substance use disorder treatment program and demonstrated successful compliance with the recommendations of the initial clinical assessment; and*
  - (e) *Establishing follow-up drug testing for the employee.*
- (4) *The Cabinet for Health and Family Services in conjunction with the Office of Drug Control Policy shall:*
- (a) *Promote voluntary participation for all employers regardless of the number of employees; and*
  - (b) *Develop and deliver resources and training for employers including the following information:*
    - 1. *The definition of substance use disorder as defined in the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders;*
    - 2. *Signs and symptoms of a substance use disorder;*
    - 3. *A list of licensed treatment options for substance use disorder;*
    - 4. *Information about acceptable use of treatment records covered by the federal Health Insurance Portability and Accountability Act;*
    - 5. *Information about substance use disorder treatment, return to use, and supportive work environments for treatment and recovery; and*
    - 6. *A list of qualified health professionals that an employer may use to provide onsite drug abuse prevention education and substance use disorder treatment services for employees.*
- (5) *To participate in a treatment program the employee shall:*
- (a) *Provide the employer with a signed consent authorizing the employer to provide and receive documentation confirming the employee's participation and completion of substance use treatment services;*
  - (b) *Comply with the employer's drug policy; and*
  - (c) *Comply with the administrative regulations promulgated by the Cabinet for Health and Family Services in conjunction with the Office of Drug Control Policy.*
- (6) *To participate in the program an employer shall:*
- (a) *Develop and distribute to persons it employs a written drug policy, procedure, or protocol including, without limit, a test or series of tests to objectively measure substances that can create substance use disorders, that is in compliance with state and federal law;*
  - (b) *Require an employee to participate in recommended drug education and licensed substance use disorder treatment services as a condition of employment;*
  - (c) *Have the right to discipline or terminate an employee who does not comply with the agreed treatment services or the employer's drug policy;*
  - (d) *Comply with the administrative regulations promulgated by the Cabinet for Health and Family Services, and the Office of Drug Control Policy; and*
  - (e) *Secure all records and information concerning an employee's drug test results, treatment assessments, and treatment reports in a confidential manner and shall maintain this information separately from the employee's personnel file. The employer shall share this information:*
    - 1. *a. Internally only with those in the employee's chain-of-authority who need the information to perform responsibilities related to supervision or support of the employee; and*
      - b. *Externally only when the employee has provided specific written authorization to disclose specific facts to specific parties for a specific purpose; or*
    - 2. *As ordered by the court.*
- (7) *An employer may:*

- (a) *Pay for all or part of the employee's substance use disorder education and treatment services; and*
  - (b) *Accept a voluntary wage assignment from the employee to pay for part of the employee's substance use disorder treatment. The wage assignment shall not reduce the employee's remaining net compensation below the federal minimum wage during any pay period.*
- (8) *If an employer complies with the requirements of this section:*
- (a) *The employer shall not be liable for a civil action alleging negligent hiring, negligent retention, or negligent supervision for a negligent act by the employee as a result of the employee's substance use disorder unless it can be shown that the employer violated subsection (6) of this section, or knew or should have known, that the employee had a recurrence of his or her substance use disorder and was acting under the influence of the substance at the time of the alleged negligent act;*
  - (b) *The employer's participation or nonparticipation in a drug education and substance use disorder treatment program shall not be admissible as evidence in an action against the employer, the employer's agent, or the employer's employee except that it may be admitted as evidence of the participating employer's liability limitation, mitigation of damages, or as evidence of a participating employer's noncompliance with subsection (6) of this section; and*
  - (c) *Referral and treatment for drug education and substance use disorder treatment by the employer shall not be sufficient to constitute compliance with this section unless the employee has complied with all other requirements of this statute and associated administrative regulations.*
- (9) *This section shall not form the basis of any individual private right of action and subsection (8)(a) of this section shall operate as an affirmative defense for which an employer bears the burden of proving compliance. However, nothing in this section shall bar a plaintiff from commencing a cause of action for any common law claim for any injury to person or property or for wrongful death in any civil action alleging negligent hiring, negligent retention, or negligent supervision, against an employer.*

➔SECTION 2. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

- (1) *An applicant for certification as a certified alcohol and drug counselor associate I shall pay the board the initial fee for certification, and shall:*
- (a) *Be at least eighteen (18) years of age;*
  - (b) *Have obtained a high school diploma or high school equivalency diploma;*
  - (c) *Have completed forty (40) classroom hours of board-approved curriculum, twenty (20) hours of which shall have been obtained in the previous two (2) years, that includes:*
    - 1. *Screening assessment and engagement;*
    - 2. *Treatment planning, collaboration, and referral;*
    - 3. *Counseling; and*
    - 4. *Professional and ethical responsibilities;*
  - (d) *Be under the ongoing supervision of a board-approved supervisor for no less than two (2) hours, two (2) times a month in the practice of drug and alcohol counseling; and*
  - (e) *Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.*
- (2) *During the first twelve (12) months after an initial certificate has been issued, a certified alcohol and drug counselor associate I shall complete at least thirty (30) additional classroom hours of board-approved curriculum as specified in subsection (1)(c)1. to 4. of this section.*

➔SECTION 3. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

*An applicant for certification as a certified alcohol and drug counselor associate II shall pay the board the initial fee for certification, and shall:*

- (1) *Be certified by the board as a certified alcohol and drug counselor associate I for a period of at least eight (8) months;*
- (2) *Have four hundred (400) hours of documented chemical dependency counseling-related compensated work or supervised internship experience of which a minimum of eighty (80) hours shall be in chemical dependency counseling and all of which shall have been under the direct supervision of:*

- (a) *A certified alcohol and drug counselor who has at least two (2) years of post-certification experience and has attended the board-sponsored supervision training; or*
- (b) *A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training; and*
- (3) *Have seventy (70) hours of approved classroom hours of board-approved curriculum of which twenty (20) hours shall have been obtained in the previous two (2) years and shall be in addition to the classroom hours required in Section 2 of this Act for a certified alcohol and drug counselor associate I.*

➔Section 4. KRS 309.080 is amended to read as follows:

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;
- (2) *"Certified alcohol and drug counselor associate I" means a person certified by the board who meets the requirements of Section 2 of this Act;*
- (3) *"Certified alcohol and drug counselor associate II" means a person certified by the board who meets the requirements of Section 3 of this Act;*
- (4) "Certified alcohol and drug counselor" means a person certified by the board who meets the requirements in KRS 309.083;
- (5)~~(3)~~ "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089;
- (6)~~(4)~~ "Licensed clinical alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0832;
- (7)~~(5)~~ "Licensed clinical alcohol and drug counselor associate" means a person licensed by the board who meets the requirements of KRS 309.0833;
- (8)~~(6)~~ "Licensee" means a clinical alcohol and drug counselor who is licensed pursuant to KRS 309.080 to 309.089;
- (9)~~(7)~~ "Practice of alcohol and drug counseling":
  - (a) Means the assessment and counseling of an individual, family, or group dealing with an alcohol or drug problem or addiction; and
  - (b) Does not include the diagnosis or treatment of a mental health condition, or the administration or interpretation of psychological tests;
- (10)~~(8)~~ "Registered alcohol and drug peer support specialist" means a person registered by the board who meets the requirements in KRS 309.0831; and
- (11)~~(9)~~ "Registrant" means an alcohol and drug peer support specialist who is registered pursuant to KRS 309.080 to 309.089.

➔Section 5. KRS 309.0805 is amended to read as follows:

- (1) No person shall use the title "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," *"certified alcohol and drug counselor associate II," "certified alcohol and drug counselor associate I,"* or "registered alcohol and drug peer support specialist," or hold himself or herself out as a "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," or "registered alcohol and drug peer support specialist" unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to 309.089.
- (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers, psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.
- (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement

counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.

- (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

➔Section 6. KRS 309.0813 is amended to read as follows:

The board shall:

- (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;
- (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, ***certified alcohol and drug counselor associates II, certified alcohol and drug counselor associates I***, and registered alcohol and drug peer support specialists;
- (3) Approve and disapprove, at least ***once every other month***~~[twice a year]~~, those persons who shall be licensed, certified, or registered under KRS 309.080 to 309.089;
- (4) Approve the examination required of applicants for licensure or certification as alcohol and drug counselors and applicants for registration as alcohol and drug peer support specialists, and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;
- (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the process to register with the board as a registered alcohol and drug peer support specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor;
- (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a license, certificate, or registration, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;
- (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved licensee, licensee associate, certificate holder, or registrant, or an applicant for a license, certificate, or registration;
- (8) Employ needed personnel and establish their duties and compensation;
- (9) Maintain a register of licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, and registered alcohol and drug peer support specialists;
- (10) Keep a complete record of the board's proceedings;
- (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing an initial licensure fee, certification fee, registration fee, and annual renewal fees not to exceed three hundred dollars (\$300) each;
- (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (14) Submit an annual report to the Governor and the Legislative Research Commission by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered; and
- (15) Collect and deposit all fees, fines, and other moneys owed to the board into the State Treasury to the credit of the revolving fund established in KRS 309.082.

➔Section 7. KRS 309.083 is amended to read as follows:

An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee for certification, and shall:

- (1) Be at least eighteen (18) years of age;

- (2) Have obtained a baccalaureate degree, *unless the applicant is certified by the board as a certified alcohol and drug counselor associate II*;
- (3) Have completed *the minimum work experience and supervision requirements for alcohol and drug counselors by the International Certification and Reciprocity Consortium with supervised hours being* ~~six thousand (6,000) hours of board approved experience working with persons having a substance use disorder, three hundred (300) hours of which shall have been~~ under the direct supervision of:
  - (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience *and has attended the board-sponsored supervision training*; or
  - (b) A licensed clinical alcohol and drug counselor who has at least *twelve (12) months* ~~two (2) years~~ of post-licensure experience *or has attended the board-sponsored supervision training*;
- (4) *Meet all minimum supervision, education, and training requirements of the International Certification and Reciprocity Consortium for the Alcohol and Drug Counselor (ADC)* ~~Have completed at least two hundred seventy (270) classroom hours of board approved curriculum~~;
- (5) Have passed a written examination *for alcohol and drug counselors* that has been approved by the International Certification *and Reciprocity Consortium* ~~on Alcoholism and Drug Abuse~~;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;
- (8) Have submitted two (2) letters of reference from certified or licensed clinical alcohol and drug counselors;
- (9) Live or work at least a majority of the time in Kentucky; and
- (10) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

➔Section 8. KRS 309.0831 is amended to read as follows:

An applicant for registration as an alcohol and drug peer support specialist shall pay the board an initial fee for registration, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a high school diploma or equivalent;
- (3) Have completed five hundred (500) hours of board-approved experience working with persons having a substance use disorder, twenty-five (25) hours of which shall have been under the direct supervision of:
  - (a) A certified alcohol and drug counselor who has at least two (2) years post-certification experience *and has attended the board-sponsored supervision training*; or
  - (b) A licensed clinical alcohol and drug counselor *who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training*;
- (4) Have completed at least *forty (40)* ~~sixty (60)~~ classroom hours of board-approved curriculum;
- (5) Have passed a written examination that has been approved by the board;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Attest to being in recovery for a minimum of *one (1) year* ~~two (2) years~~ from a substance-related disorder;
- (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of domestic violence training; two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus; ten (10) hours of advocacy training; ten (10) hours of training in mentoring and education; and ten (10) hours of training in recovery support;
- (9) Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- (10) Live or work at least a majority of the time in Kentucky; and

- (11) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

➔Section 9. KRS 309.0832 is amended to read as follows:

An applicant for licensure as a licensed clinical alcohol and drug counselor shall pay the board the initial fee for licensure, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained from a regionally accredited college or university or a college or university accredited by an agency recognized by the United States Department of Education:
  - (a) A sixty (60) hour master's degree in a behavioral science with clinical application;
  - (b) A thirty (30) hour advanced placement master's degree in a behavioral science with clinical application; or
  - (c) A doctoral degree in a behavioral science with clinical application;
- (3) ***Meet all education and supervision requirements of the International Certification and Reciprocity Consortium for the Advanced Alcohol and Drug Counselor (AADC);***
- (4) Have completed at least one hundred eighty (180) classroom hours of alcohol and drug counselor specific board-approved curriculum;
- ~~(5)(4)~~ Have passed a written examination as specified by the board in administrative regulation;
- ~~(6)(5)~~ Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- ~~(7)(6)~~ Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours training in the transmission, control, treatment, and prevention of the human immunodeficiency virus, in addition to the educational requirements in subsection (2) of this section;
- ~~(8)(7)~~ Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- ~~(9)(8)~~ Live or work at least a majority of the time in Kentucky;
- ~~(10)(9)~~ Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder; and
- ~~(11)(10)~~ Have completed two thousand (2,000) hours of board-approved experience working with persons having a substance use disorder, three hundred (300) hours of which shall have been under the direct supervision of a licensed clinical alcohol and drug counselor.

➔Section 10. KRS 309.0833 is amended to read as follows:

- (1) An applicant for licensure as a licensed clinical alcohol and drug counselor associate shall:
  - (a) Pay the board the initial fee for licensure;
  - (b) Complete the requirements under KRS 309.0832(1) to (9); and
  - (c) Obtain a board-approved supervisor of record.
- (2) Upon completion of the hours of board-approved experience specified in KRS 309.0832~~(11)(10)~~, a licensed clinical alcohol and drug counselor associate may apply to the board for licensure as a licensed clinical alcohol and drug counselor.

➔Section 11. KRS 309.088 is amended to read as follows:

- (1) The board may permit an out-of-state licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, ***certified alcohol and drug counselor associate II, certified alcohol and drug counselor associate I***, or alcohol and drug peer support specialist to obtain a license, certificate, or registration by reciprocity if:
  - (a) The out-of-state licensee, certificate holder, or registrant possesses a valid license, certificate, or registration from another jurisdiction that grants the same privileges to persons licensed, certified, or registered by this state as Kentucky grants to persons licensed, certified, or registered by the other jurisdiction;



- (b) The requirements for licensure, certification, or registration are substantially similar to the requirements in KRS 309.080 to 309.089; and
  - (c) The out-of-state licensee, certificate holder, or registrant seeking licensure, certification, or registration states that he or she has studied, is familiar with, and shall abide by KRS 309.080 to 309.089 and the administrative regulations promulgated thereunder.
- (2) If the requirements for licensure, certification, or registration under KRS 309.080 to 309.089 are more restrictive than the standards of the other jurisdiction, then the out-of-state licensee, certificate holder, or registrant shall comply with the additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license, certificate, or registration.

➔Section 12. Sections 2 to 11 of this Act shall take effect on March 1, 2021.

**Signed by Governor April 24, 2020.**

## CHAPTER 100

( SB 251 )

AN ACT relating to mining.

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

➔Section 1. KRS 351.010 is amended to read as follows:

- (1) As used in this chapter, unless the context requires otherwise:
- (a) "Adulterated specimen" means a specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration;
  - (b) "Approved" means that a device, apparatus, equipment, or machinery, or practice employed in the mining of coal has been approved by the commissioner of the Department for Natural Resources;
  - (c) "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;
  - (d) "Commercial mine" means any coal mine from which coal is mined for sale, commercial use, or exchange. This term shall in no instance be construed to include a mine where coal is produced for own use;
  - (e) "Commission" means the Mine Safety Review Commission created by KRS 351.1041;
  - (f) "Commissioner" means commissioner of the Department for Natural Resources;
  - (g) "Department" means the Department for Natural Resources;
  - (h) "Drift" means an opening through strata or coal seams with opening grades sufficient to permit coal to be hauled therefrom or which is used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal;
  - (i) "Excavations and workings" means the excavated portions of a mine;
  - (j) "Fire boss" (often referred to as mine examiner) means a person certified as a mine foreman or assistant mine foreman who is designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;
  - (k) "Gassy mine." All mines shall be classified as gassy or gaseous;
  - (l) "Illicit substances" includes prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs;
  - (m) "Intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent (19.5%) oxygen, no dangerous quantities of flammable gas, and no harmful amounts of poisonous gas or dust;

- (n) "Licensee" means any owner, operator, lessee, corporation, partnership, or other person who procures a license from the department to operate a coal mine;
  - (o) "Medical review officer" or "MRO" means a licensed physician with knowledge of substance abuse disorders, laboratory testing, chain of custody, collection procedures, and the ability to verify positive, confirmed test results. The MRO shall possess the necessary medical training to interpret and evaluate a positive test result in relation to the person's medical history or any other relevant biomedical information;
  - (p) "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange, or commercial use, and all shafts, slopes, drifts, or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with the workings. Workings that are adjacent to each other and under the same management, but which are administered as distinct units, shall be considered a separate mine;
  - (q) "Mine foreman" means a certified person whom the licensee or superintendent places in charge of the workings of the mine and of the persons employed therein;
  - (r) "Mine manager" means a certified or noncertified person whom the licensee places in charge of a mine or mines and whose duties include but are not limited to operations at the mine or mines and supervision of personnel when qualified to do so;
  - (s) "Open-pit mine" shall include open excavations and open-cut workings, including but not limited to auger operations and highwall mining systems for the extraction of coal. ***However, excavation of refuse from a coarse coal refuse fill for reprocessing of the refuse, and which is permitted and bonded under KRS Chapter 350 and is regulated by the Mine Safety and Health Administration shall not be required to obtain a license under this chapter;***
  - (t) "Operator" means the licensee, owner, lessee, or other person who operates or controls a coal mine;
  - (u) "Permissible" refers to any equipment, device, or explosive that has been approved by the United States Bureau of Mines, the Mining Enforcement and Safety Administration, or the Mine Safety and Health Administration and that meets all requirements, restrictions, exceptions, limitations, and conditions attached to the classification by the approving agency;
  - (v) "Preshift examination" means the examination of a mine or any portion thereof where miners are scheduled to work or travel, which shall be conducted not more than three (3) hours before any oncoming shift;
  - (w) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible, or pillared workings;
  - (x) "Serious physical injury" means an injury which has a reasonable potential to cause death;
  - (y) "Shaft" means a vertical opening through the strata that is used in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal, or materials;
  - (z) "Slope" means an inclined opening used for the same purpose as a shaft;
  - (aa) "Superintendent" means the person who, on behalf of the licensee, has immediate supervision of one (1) or more mines;
  - (ab) "Supervisory personnel" means a person certified under the provisions of this chapter to assist in the supervision of a portion or the whole of the mine or of the persons employed therein;
  - (ac) "Division" means the Division of Mine Safety;
  - (ad) "Director" means the director of the Division of Mine Safety;
  - (ae) "Probation" means the status of a certification or license issued by the Division of Mine Safety that conditions the validity of the certification or license upon compliance with orders of the Mine Safety Review Commission; and
  - (af) "Final order of the commission" means an order which has not been appealed to the Franklin Circuit Court within thirty (30) days of entry, or an order affirming the commission's order that has been entered by any court within the Commonwealth and for which all appeals have been exhausted.
- (2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

- (3) The definitions in KRS 352.010 apply also to this chapter, unless the context requires otherwise.

➔Section 2. KRS 352.010 is amended to read as follows:

- (1) As used in this chapter, unless the context requires otherwise:

- (a) "Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, or open workings which are ventilated and not inspected regularly;
- (b) "Active workings" means all places in a mine that are ventilated and inspected regularly;
- (c) "Approved" means that a device, apparatus, equipment, machinery, or practice employed in the mining of coal has been approved by the commissioner of the Department for Natural Resources;
- (d) "Assistant mine foreman" means a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein;
- (e) "Commercial mine" means any coal mine from which coal is mined for sale, commercial use, or exchange. This term shall in no instance be construed to include a mine where coal is produced for own use;
- (f) "Commissioner" means commissioner of the Department for Natural Resources;
- (g) "Department" means the Department for Natural Resources;
- (h) "Drift" means an opening through strata or coal seams with opening grades sufficient to permit coal to be hauled therefrom, or which is used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal;
- (i) "Director" means the director of the Division of Mine Safety;
- (j) "Excavations and workings" means the excavated portions of a mine;
- (k) "Face equipment" means mobile or portable mining machinery having electric motors or accessory equipment normally installed or operated in by the last open crosscut in any entry or room;
- (l) "Fire boss" (often referred to as mine examiner) means a person certified as a mine foreman or assistant mine foreman who is designated by management to examine a mine or part of a mine for explosive gas or other dangers before a shift crew enters;
- (m) "Gassy mine." All underground mines shall be classified as gassy or gaseous;
- (n) "High voltage" means any voltage of one thousand (1,000) volts or more;
- (o) "Imminent danger" means the existence of any condition or practice which could reasonably be expected to cause death or serious physical injury before the condition or practice can be abated;
- (p) "Inactive workings" shall include all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned;
- (q) "Intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than nineteen and one-half percent (19.5%) of oxygen, no dangerous quantities of flammable gas, and no harmful amounts of poisonous gas or dust;
- (r) "Licensee" means any owner, operator, lessee, corporation, partnership, or other person who procures a license from the department to operate a coal mine;
- (s) "Low voltage" means up to and including six hundred sixty (660) volts;
- (t) "Medium voltage" means voltages greater than six hundred sixty (660) and up to nine hundred ninety-nine (999) volts;
- (u) "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange, or commercial use, and all shafts, slopes, drifts, or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with the workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered separate mines;
- (v) "Mine foreman" means a certified person whom the licensee, mine manager, or superintendent places in charge of the workings of the mine and of persons employed therein;

- (w) "Mine manager" means a certified or noncertified person whom the licensee places in charge of a mine or mines and whose duties include but are not limited to operations at the mine or mines and supervision of personnel when qualified to do so;
  - (x) "NAD 83" means the North American Datum, 1983 version, in feet units;
  - (y) "Open-pit mine" shall include open excavations and open-cut workings including auger operations and highwall mining systems for the extraction of coal. ***However, excavation of refuse from a coarse coal refuse fill for reprocessing of the refuse, and which is permitted and bonded under KRS Chapter 350 and is regulated by the Mine Safety and Health Administration shall not be required to obtain a license under this chapter;***
  - (z) "Operator" means the licensee, owner, lessee, or other person who operates or controls a coal mine;
  - (aa) "Permissible" means that any equipment, device, or explosive that has been approved by the United States Bureau of Mines, the Mining Enforcement and Safety Administration, or the Mine Safety and Health Administration meets all requirements, restrictions, exceptions, limitations, and conditions attached to the classification;
  - (ab) "Preshift examination" refers to the examination of an underground mine or part of a mine where miners are scheduled to work or travel, and shall be conducted not more than three (3) hours before any oncoming shift;
  - (ac) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible, or pillared workings;
  - (ad) "Serious physical injury" means an injury which has a reasonable potential to cause death;
  - (ae) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal, or materials;
  - (af) "Single Zone Projection" means the Kentucky Single Zone State Plane Coordinate System of 1983, based on the Lambert Conformal Conical map projection with double standard parallels on the North American Datum, 1983 version, as established in 10 KAR 5:010;
  - (ag) "Slope" means an inclined opening used for the same purpose as a shaft;
  - (ah) "Superintendent" means the person who, on behalf of the licensee, has immediate supervision of one (1) or more mines;
  - (ai) "Supervisory personnel" shall mean a person or persons certified under the provisions of KRS Chapter 351 to assist in the supervision of a portion or the whole of the mine or of the persons employed therein;
  - (aj) "Tipple or dumping point" means the structure where coal is dumped or unloaded from the mine car into railroad cars, trucks, wagons, or other means of conveyance;
  - (ak) "Working face" means any place in a coal mine at which the extraction of coal from its natural deposit in the earth is performed during the mining cycle;
  - (al) "Working place" means the area of a coal mine in by the last open crosscut;
  - (am) "Working section" means all areas of a coal mine from the loading point to and including the working faces; and
  - (an) "Workmanlike manner" means consistent with established practices and methods utilized in the coal industry.
- (2) The definitions in KRS 351.010 apply also to this chapter, unless the context requires otherwise.
  - (3) Except as the context otherwise requires, this chapter applies only to commercial mines as defined in KRS 351.010 and shall not apply to electrical facilities owned, operated, or otherwise controlled by a retail electric supplier or generation and transmission cooperative as defined in KRS 278.010 or organized under KRS Chapter 279 for the purpose of communication, metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, or outdoors by established easement rights on private property and that are covered by the National Electric Safety Code (NESC) or other applicable safety codes, or other authorities having jurisdiction and shall not apply to installations under the exclusive control of utilities for the purpose of communication, metering, or for

the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, or outdoors by established rights on private property.

**Signed by Governor April 24, 2020.**

## CHAPTER 101

( SB 80 )

AN ACT relating to crime victims' rights.

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

➔Section 1. KRS 421.576 is repealed and reenacted to read as follows:

- (1) In order to establish the minimum conduct of criminal justice professionals with respect to crime victims and to communicate the intent of the General Assembly that victims of crime play an integral role in the criminal justice process, KRS 421.500 to 421.575 is hereby named the Kentucky Crime Victim Bill of Rights.
- (2) The rights established by KRS 421.500 to 421.575 shall apply in all felony and misdemeanor proceedings in a District or Circuit Court of the Commonwealth.
- (3) Nothing in KRS 421.500 to 421.575 shall provide grounds for the victim to challenge a charging decision or a conviction, to obtain a stay of trial, or to compel a new trial. Law enforcement agencies, county attorneys, and Commonwealth's attorneys and courts shall make every reasonable effort to ensure that victims of crime receive the benefits of the rights set out in KRS 421.500 to 421.575.

➔Section 2. KRS 421.500 is repealed, reenacted, and amended to read as follows:

- (1) (a) As used in KRS 421.500 to 421.575, "victim" means *an individual directly and proximately harmed as a result of:*
  1. *The commission of a crime classified as a felony; a misdemeanor involving threatened or actual physical injury, harassment, or restraint; a misdemeanor involving a child or incompetent person; or a misdemeanor involving a sexual offense or a trespass; or*
  2. *Conduct which, if committed by an adult, would be classified as a felony or a misdemeanor described in subparagraph 1. of this paragraph.*

*If the victim is a minor, incapacitated, or deceased, "victim" also means one (1) or more of the victim's spouse, parents, siblings, children, or other lawful representatives which shall be designated by the court unless the person is the defendant or a person the court finds would not act in the best interests of the victim.*
- (b) *In a case in which the number of victims makes it impracticable to accord all victims those rights provided by KRS 421.500 to 421.575, the court may fashion a reasonable procedure that does not unduly complicate or prolong the proceeding, to give effect to this section.*
- (c) ~~[an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime classified as stalking, unlawful imprisonment, use of a minor in a sexual performance, unlawful transaction with a minor in the first degree, terroristic threatening, menacing, harassing communications, intimidating a witness, criminal homicide, robbery, rape, assault, sodomy, kidnapping, burglary in the first or second degree, sexual abuse, wanton endangerment, criminal abuse, human trafficking, or incest. If the victim is a minor or legally incapacitated, "victim" means a parent, guardian, custodian or court appointed special advocate.~~
- (a) ~~If the victim is deceased and the relation is not the defendant, the following relations shall be designated as "victim" for the purpose of exercising those rights contained in KRS 421.500 to 421.575:~~
  1. ~~The spouse;~~
  2. ~~An adult child if subparagraph 1. of this paragraph does not apply;~~

- ~~3. A parent if subparagraphs 1. and 2. of this paragraph do not apply;~~
- ~~4. A sibling if subparagraphs 1. to 3. of this paragraph do not apply; and~~
- ~~5. A grandparent if subparagraphs 1. to 4. do not apply.~~

~~(b)~~ If the victim is deceased and the relation is not the defendant, the following relations shall be designated as "victims" for the purpose of presenting victim impact testimony under KRS 532.055(2)(a)7.:

- 1. A spouse;
  - 2. An adult child;
  - 3. A parent;
  - 4. A sibling; and
  - 5. A grandparent.
- (2) If any court believes that the health, safety, or welfare of a victim who is a minor or is legally incapacitated would not otherwise adequately be protected, the court may appoint a special advocate to represent the interest of the victim and to exercise those rights provided for by KRS 421.500 to 421.575. Communication between the victim and the special advocate shall be privileged.
- (3) Law enforcement personnel shall ensure that victims receive information on available protective, emergency, social, and medical services upon initial contact with the victim and are given information on the following as soon as possible:
- (a) Availability of crime victim compensation where applicable;
  - (b) Community- based treatment programs;
  - (c) The criminal justice process as it involves the participation of the victim or witness;
  - (d) The arrest of the accused; and
  - (e) How to register to be notified when a person has been released from prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized pursuant to KRS Chapter 202A.
- (4) Law enforcement officers and attorneys for the Commonwealth shall provide information to victims and witnesses on how they may be protected from intimidation, harassment, and retaliation as defined in KRS 524.040 or 524.055.
- (5) Attorneys for the Commonwealth shall make a reasonable effort to insure that:
- (a) All victims and witnesses who are required to attend criminal justice proceedings are notified promptly of any scheduling changes that affect their appearances;
  - (b) If victims so desire and if they provide the attorney for the Commonwealth with a current address and telephone number, they shall receive prompt notification, if possible, of judicial proceedings relating to their case, including but not limited to the defendant's release on bond and any special conditions of release; of the charges against the defendant, the defendant's pleading to the charges, and the date set for the trial; of notification of changes in the custody of the defendant and changes in trial dates; of the verdict, the victim's right to make an impact statement for consideration by the court at the time of sentencing of the defendant, the date of sentencing, the victim's right to receive notice of any parole board hearing held for the defendant, and that the office of Attorney General will notify the victim if an appeal of the conviction is pursued by the defendant; and of a scheduled hearing for shock probation or for bail pending appeal and any orders resulting from that hearing;
  - (c) The victim knows how to register to be notified when a person has been released from a prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized pursuant to KRS Chapter 202A;
  - (d) The victim receives information on available:
    - 1. Protective, emergency, social, and medical services;

2. Crime victim compensation, where applicable;
  3. Restitution, where applicable;
  4. Assistance from a victim advocate; and
  5. Community-based treatment programs; and
- (e) The victim of crime may, pursuant to KRS 15.247, receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts.
- (6) The victim shall be consulted by the attorney for the Commonwealth on the disposition of the case, including dismissal, release of the defendant pending judicial proceedings, any conditions of release, a negotiated plea, and entry into a pretrial diversion program.
  - (7) In prosecution for offenses listed in this section for the purpose of defining "victim," law enforcement agencies and attorneys for the Commonwealth shall promptly return a victim's property held for evidentiary purposes unless there is a compelling reason for retaining it. Photographs of such property shall be received by the court as competent evidence in accordance with the provisions of KRS 422.350.
  - (8) A victim or witness who so requests shall be assisted by law enforcement agencies and attorneys for the Commonwealth in informing employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work.
  - (9) The Attorney General, where possible, shall provide technical assistance to law enforcement agencies and attorneys for the Commonwealth if such assistance is requested for establishing a victim assistance program.
  - (10) If a defendant seeks appellate review of a conviction and the Commonwealth is represented by the Attorney General, the Attorney General shall make a reasonable effort to notify victims promptly of the appeal, the status of the case, and the decision of the appellate court.
  - (11) ***Full restitution to a named victim, if there is a named victim, shall be ordered by the court to be paid by the convicted or adjudicated party in a manner consistent, insofar as possible, with this section and KRS 439.563, 532.032, 532.033, 533.020, and 533.030 in addition to any other penalty.***
  - (12) ***Nothing in KRS 421.500 to 421.575 shall be construed as altering the presumption of innocence in the criminal justice system, or to be a waiver of sovereign immunity or any other immunity or privilege maintained by the Commonwealth; its cabinets, departments, bureaus, political subdivisions, and agencies; and its officers, agents, and employees.***

➔Section 3. KRS 421.510 is repealed and reenacted to read as follows:

- (1) Where the victim is less than sixteen (16) years old and the crime is a sexual offense including violations of KRS 510.040 to 510.150, 530.020, 530.064(1)(a), 530.070, 531.310, 531.320, and 531.370, a speedy trial may be scheduled as provided in subsection (2) of this section.
- (2) The court, upon motion by the attorney for the Commonwealth for a speedy trial, shall set a hearing date on the motion within ten (10) days of the date of the motion. If the motion is granted, the trial shall be scheduled within ninety (90) days from the hearing date.
- (3) In ruling on any motion or other request for a delay or continuance of the proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim or witness.

➔Section 4. KRS 421.520 is repealed and reenacted to read as follows:

- (1) The attorney for the Commonwealth shall notify the victim that, upon conviction of the defendant, the victim has the right to submit a written victim impact statement to the probation officer responsible for preparing the presentence investigation report for inclusion in the report or to the court should such a report be waived by the defendant.
- (2) The impact statement may contain, but need not be limited to, a description of the nature and extent of any physical, psychological or financial harm suffered by the victim, the victim's need for restitution and whether the victim has applied for or received compensation for financial loss, and the victim's recommendation for an appropriate sentence.
- (3) The victim impact statement shall be considered by the court prior to any decision on the sentencing or release, including shock probation, of the defendant.

➔Section 5. KRS 421.530 is repealed and reenacted to read as follows:

- (1) If a defendant is sentenced to a period of incarceration and his release is subject to the authority of the parole board, the victim may submit a written impact statement to the parole board that it shall consider when making a decision on the release of the defendant.
- (2) The impact statement may contain, but need not be limited to, a description of the long-term consequences of the crime, including but not necessarily limited to, the physical, psychological and financial harm suffered by the victim, and whether the victim has applied for or received compensation for financial loss.

➔Section 6. KRS 421.550 is amended to read as follows:

- (1) Nothing in KRS ~~421.500 to 421.575~~~~[421.510 to 421.540], [or KRS] 15.245, or 196.280~~~~[, or 421.500]~~ creates a cause of action for money damages against the state, a county, a municipality, or any of their agencies, public officials, or employees.
- (2) The jailer or chief administrator of a juvenile detention facility, regional jail, or county jail, or any of their respective designees who acts in good faith in making available the release information required by KRS 196.280, or in good faith fails or is unable to provide the release information required by KRS 196.280, shall be immune from any criminal liability.
- (3) The jailer or chief administrator of a juvenile detention facility, regional jail, or county jail, or any of their respective designees, who acts in good faith in making available the release information required by KRS 196.280, or in good faith fails or is unable to provide the release information required by KRS 196.280, and who is sued for any act or omission in relation to KRS 196.280, and who has a judgment rendered against him and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney's fees awarded pursuant thereto, shall be indemnified by the Commonwealth from funds appropriated to the Finance and Administration Cabinet for the payment of judgments, to the extent of his actual financial loss. The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the person claiming indemnification and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.
- (4) The Attorney General shall defend the jailer, chief administrator, or designee upon request, in any suit related to the provision of information under KRS 196.280.
- (5) *An attorney for the Commonwealth who acts in good faith in his or her ministerial duties under KRS 421.500 to 421.575 shall be immune from criminal or civil liability. The immunity shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.*

➔Section 7. The following KRS section is repealed:

421.540 Effect of failure to provide required notification.

➔Section 8. This Act shall take effect only upon the ratification, in the general election of November 3, 2020, of a Constitutional amendment providing for the protection of crime victims' rights. If such an amendment is not ratified, this Act shall be void.

**Signed by Governor April 24, 2020.**

## CHAPTER 102

( SB 99 )

AN ACT relating to alcoholic beverages.

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

➔Section 1. KRS 242.1243 is amended 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 July 15, 2016.]~~

➔Section 2. 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 KRS 242.1243 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) For purposes of all retail drink and package sales under this section, a wholesaler registered to distribute the brands of any distiller shall permit the distiller to deliver its products directly from the distillery proper to any portion of the distillery premises. However, for purposes of all retail drink and package sales by distillers under subsections (3), (8), and (9) of this section, 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:
  - (a) To distillery visitors of legal drinking age, in quantities not to exceed an aggregate of four and one-half (4-1/2) liters per purchaser per day for sales prior to January 1, 2021, and in quantities not to exceed an aggregate of nine (9) liters per purchaser per day on and after January 1, 2021. At the purchaser's request, an order may be delivered or shipped directly to the purchaser. All deliveries or shipments shall be made through a licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction to which the products will be delivered or shipped; and
  - (b) Pursuant to subscription or distillery-sponsored club programs, in quantities not to exceed an aggregate of nine (9) liters per calendar year, provided that the enrollment and payment for the subscription or club is arranged in person at the distillery. At the member's request, an order may be delivered or shipped directly to the member. All deliveries or shipments shall be made through a licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction to which the products will be delivered or shipped.
- (4) Hours of sale for souvenir packages at retail shall be in conformity with KRS 244.290(3).
- (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 KRS 244.050 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 (1-3/4) ounces of samples per visitor per day.
- (8) Notwithstanding the provisions of KRS 243.110, 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 KRS 242.1243 may:
  - (a) Hold an NQ2 retail drink license for the sale of alcoholic beverages on the distillery premises; and

- (b) Employ persons to engage in the sale or service of alcohol under an NQ2 license, if each employee completes the department's Server Training in Alcohol Regulations program within thirty (30) days of beginning employment.
- (9) A distiller may sell to consumers at fairs, festivals, and other similar types of events located in wet territory alcoholic beverages by the drink, containing spirits distilled or bottled on the premises of the distillery.
- (10) *A distiller may offer for sale in its gift shop products that were produced in collaboration with a brewer or microbrewer except that:*
  - (a) *These packages shall not be exclusive to the distiller's gift shop; and*
  - (b) *The distiller shall purchase the jointlybranded souvenir package only from a licensed malt beverage distributor.*
- (11) 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.

~~(12)~~~~(11)~~ 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 3. 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) *The manufacture of distilled spirits at the distillery shall not be less than six hundred (600) gallons in one (1) year.*
  - ~~(b)~~~~(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.
  - ~~(c)~~~~(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 KRS 242.1243, may sell distilled spirits by the drink or by the package at retail to consumers in accordance with KRS 243.0305.
- (b) Any distilled spirits sold under this subsection shall be taxed and distributed in the same manner as sales under KRS 243.0305(2).
- (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.
- (5) Nothing in this section shall be construed to:
  - (a) Vitate the policy of this Commonwealth supporting an orderly three (3) tier system for the production and sale of alcoholic beverages; or
  - (b) Allow delivery or shipment of alcohol into dry or moist territory.

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

An individual shall not become a licensee if the individual:

- (1) (a) Has been convicted of any felony until five (5) years have passed from the date of conviction, release from custody or incarceration, parole, or termination of probation, whichever is later;
- (b) Has been convicted of any misdemeanor involving a controlled substance that is described in or classified pursuant to KRS Chapter 218A in the two (2) years immediately preceding the application;
- (c) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two (2) years immediately preceding the application;
- (d) Is under the age of twenty-one (21) years; *or*
- (e) Has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of two (2) years from the date of the revocation or conviction~~;~~ *or*
- ~~(f) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one (1) year before the date on which the application for a license is made. This subsection shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state, or to persons licensed on March 7, 1938].~~
- (2) A partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law shall not be licensed if:
  - (a) Each principal owner, partner, member, officer, and director does not qualify under subsection (1)(a), (b), (c), (d), and (e) of this section;
  - (b) It has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of two (2) years from the date of the revocation or conviction; *or*
  - (c) Any principal owner, partner, member, officer, or director, or any business entity in which they were directly or indirectly interested, has had any license revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of the later of two (2) years from the date of the revocation or two (2) years from the date of conviction.
- (3) The provisions of subsection (1)(a) and (b) shall apply to anyone applying for a new license under this chapter after July 15, 1998, but shall not apply to those who renew a license that was originally issued prior to July 15, 1998, or an application for a supplemental license where the original license was issued prior to July 15, 1998.
- (4) A person shall not evade license disqualification by applying for a license through or under the name of a different person. The state administrators shall examine the ownership, membership, and management of all license applicants, and shall deny the application if a disqualified person has a direct or indirect interest in the applicant's business. The department may issue administrative subpoenas and summonses to determine ownership of an applicant or to investigate alleged violations by a licensee.

➔Section 5. KRS 243.040 is amended to read as follows:

The following kinds of malt beverage licenses may be issued by the malt beverages administrator, the fees for which shall be:

- |   |            |
|---|------------|
| (1) Brewer's license, per annum .....   | \$2,580.00 |
| (2) Microbrewery license, per annum .....                                     | \$520.00   |
| (3) Distributor's license, per annum .....                                    | \$520.00   |
| (4) Nonquota retail malt beverage package license, per annum .....            | \$210.00   |
| (5) Out-of-state malt beverage supplier's license,<br>per annum .....         | \$1,550.00 |
| (6) Malt beverage storage license, per annum .....                            | \$260.00   |
| (7) Replacement or duplicate license, per annum .....                         | \$25.00    |
| (8) Limited out-of-state malt beverage supplier's license,<br>per annum ..... | \$260.00   |

- (9) Nonquota type 4 malt beverage drink license,  
per annum .....\$210.00
- (10) 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).
- (11) A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new transitional license pursuant to KRS 243.045.
- (12) Other special licenses as the state board finds to be necessary for the administration of KRS Chapters 241 to 244 and for the proper regulation and control of the trafficking in malt beverages, as provided for by administrative regulations promulgated by the state board.

~~[Applicants for special licenses provided for under the authority granted in subsection (8) of this section may be exempt from so much of the provisions of subsection (1)(f) of KRS 243.100 set out in administrative regulations promulgated by the board.]~~ A nonrefundable application fee of fifty dollars (\$50) shall be charged to process each new application for a license under this section. The application fee shall be applied to the licensing fee if the license is issued, or otherwise the fee shall be retained by the department.

➔Section 6. KRS 243.200 is amended to read as follows:

- (1) A transporter's license may be issued as a primary license to a motor carrier authorized to transact business in the Commonwealth by the Transportation Cabinet or the Federal Motor Carrier Safety Administration or to another person engaged in business as a common carrier. A person holding a transporter's license may transport alcoholic beverages to or from the licensed premises of any licensee under this chapter to an individual consumer if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, deliver, ship, or receive the alcoholic beverages.
- (2) A transporter may deliver or ship directly to consumers over twenty-one (21) years of age in packages clearly marked "Alcoholic Beverages, adult signature (21 years of age or over) required," and must request adult-signature-only service from the carrier. Deliveries or shipments of alcoholic beverages shall only be made into areas of the state in which alcoholic beverages may be lawfully sold. When the shipper requests adult-signature-only service, it shall be a violation for a common carrier not to inspect government-issued identification for proof of age or to knowingly deliver or ship alcoholic beverages into areas of the state in which alcoholic beverages are not legally sold.
- (3) Except for a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, the holder of a transporter's license shall cause each truck or vehicle to display the name of the licensee and the state license numbers in a manner prescribed by an administrative regulation promulgated by the board.
- (4) Except for an application by a common carrier that has been assigned a USDOT number issued by the Federal Motor Carrier Safety Administration, an application for a transporter's license shall include a statement that the applicant, if issued a license, shall allow any authorized investigators of the department to stop and examine the cargo of any truck or vehicle in which alcoholic beverages are being transported within the boundaries of the Commonwealth of Kentucky.
- (5) ~~[Applicants for the transporter's license under this section, and their employees, shall be exempt from the residency requirements of KRS 243.100.]~~
- ~~(6)~~ A licensee may move, within the same county, alcoholic beverages from one (1) of the licensee's licensed premises to another without a transporter's license. A licensee may move alcoholic beverages from one (1) of the licensee's licensed premises located in one (1) county to a licensed premises located in another county, without a transporter's license, with prior written approval of the administrator for good cause shown. The licensee shall keep and maintain, in one (1) of its licensed premises, adequate books and records of the transactions involved in transporting alcoholic beverages from one (1) licensed premises to another in accordance with standards established in administrative regulations promulgated by the board. The records shall be available to the department and the Department of Revenue upon request.
- ~~(6)(7)~~ Distilled spirits and wine may be transported by any licensed retailer selling distilled spirits or wine, by the package or by the drink, from the premises of a licensed wholesaler to the licensed premises of the retail licensee. Any retailer transporting alcoholic beverages under this subsection shall do so in a vehicle marked in

conformity with administrative regulations of the board. Both the wholesaler and the retailer engaging in activity under this subsection shall be responsible for maintaining records documenting the transactions.

➔Section 7. KRS 242.1241 is amended to read as follows:

- (1) (a) If the sale of alcoholic beverages is permitted at a licensed small farm winery located in a wet or moist territory, a limited sale precinct election may be held to authorize the sale of alcoholic beverages on Sunday at the small farm winery.
- (b) A local option election authorized under this subsection shall be held in accordance with KRS 242.020 to 242.040, and 242.060 to 242.120.
- (c) The petition seeking a limited sale precinct election under this section shall state, "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages on Sunday at a small farm winery located in (name of precinct)~~[- between the hours of 1 p.m. and (the prevailing local time for that locality)]?~~'"
- (d) If the precinct contains a licensed small farm winery, the proposition to be voted on in the limited sale precinct election shall state, "Are you in favor of the sale of alcoholic beverages on Sunday at a licensed small farm winery or wineries located in (name of precinct)~~[- between the hours of 1 p.m. and (the prevailing time for that locality)]?~~"
- (2) A limited sale precinct election to authorize Sunday sales at a small farm winery may be held less than three (3) years after a local option election held in accordance with KRS 242.124 to authorize the sale of alcoholic beverages at that small farm winery.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

- (1) *In order to promote economic development and tourism, a dry or moist city, county, urban-county government, charter county, consolidated local government, or unified local government may hold a local option election on the sale of alcoholic beverages by a microbrewery in the territory where the microbrewery is located or proposed.*
- (2) *A petition seeking a local option election under this subsection 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 a microbrewery located in (name of precinct)'?"*
- (3) *The local option election shall be held in accordance with KRS 242.020 to 242.040, and 242.060 to 242.120. The form of the proposition to be voted upon shall be: "Are you in favor of the sale of alcoholic beverages at a microbrewery located in (name of precinct)'?". If the majority of the votes in an election held pursuant to this subsection are "Yes," the precinct shall become moist in the manner specified in KRS 242.200, and a nonquota type 4 retail malt beverage drink license and a nonquota retail malt beverage package license may be issued to a microbrewer located within the precinct.*

➔Section 9. 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 the microbrewery shall not exceed fifty thousand (50,000) barrels in one (1) year;
  - (b) Serve on the premises complimentary samples of malt beverages produced by the microbrewery in amounts not to exceed sixteen (16) ounces per patron, provided the microbrewery is located in wet territory *or a precinct that has authorized the sale of alcoholic beverages at microbreweries under Section 4 of this Act*;
  - (c) Sell malt beverages produced on the premises of the microbrewery to licensed distributors;
  - (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, pursuant to the following:
    1. Without restriction on the amount of malt beverages sold by the drink for on-premises consumption *provided the microbrewery is located in wet territory or a precinct that has authorized the sale of alcoholic beverages at microbreweries under Section 4 of this Act*; and

2. With a restriction on the amount of malt beverages sold for off-premises consumption, in an aggregate amount not to exceed thirty-one (31) gallons per person per day that shall not include more than three (3) cases in case format; and
- (e) Sell:
  1. Unlimited amounts of malt beverages by the drink; and
  2. Not more than one (1) case of packaged 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 (c)2. of this section.
- (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; and
    2. The microbrewery reports and pays all taxes required by subsection (5)(a) and (b) of this section to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3); 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; and
    2. The microbrewery reports and pays all taxes required by subsection (5)(a) and (b) of this section to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3).
- (4) The provisions of subsection (3)(b) and (c) of this section shall apply only to malt beverages that are produced by the microbrewery at its licensed premises and:
  - (a) 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 to 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 pay all wholesale sales taxes due under KRS 243.884. For the purposes of this subsection, "wholesale sales" means a sale of malt beverages made by a microbrewery under subsection (3)(b) and (c) of this section, as applicable.
  - (b) 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 ~~for moist~~ territory.
- (7) An employee of a microbrewery may sample the products produced by that microbrewery for purposes of education, quality control, and product development.
- (8) This section does not exempt the holder of a microbrewery license from the provisions of KRS Chapters 241 to 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.

- (9) 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 10. 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 board 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) Engage in the business of a winery under the terms and conditions of KRS 243.120 and 243.130. The manufacture of wine at the small farm winery shall not be less than two hundred fifty (250) gallons, and shall not exceed ~~five~~~~one~~ hundred thousand ~~(500,000)~~~~(100,000)~~ gallons, in one (1) year;
  - (b) Bottle wines produced by that small farm winery and other licensed small farm wineries;
  - (c) Enter into an agreement with another licensed small farm winery under which it crushes, processes, ferments, bottles, or any combination of these services, the grapes, fruits, or other agricultural products of the other small farm winery for a production year. The resulting wine shall be considered the product 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) If the licensed small farm winery or off-premises retail site premises is located in wet territory or in a precinct that has authorized alcoholic beverage sales by the small farm winery under KRS 242.124:
    - 1. Serve complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day; and
    - 2. Sell by the drink for on-premises consumption or by the package wine produced by it or by another licensed small farm winery, at retail to consumers;
  - (e) Sell by the drink or by the package, at fairs, festivals, and other similar types of events, wine produced by it or by another licensed small farm winery, at retail to consumers if all sales occur in a wet territory;
  - (f) Sell and transport wine produced by it to licensed small farm winery off-premises retail sites, wholesale license holders, and small farm winery license holders;
  - (g) 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) Deliver or ship packages of wine at retail:
    - 1. To small farm winery visitors of legal drinking age, in quantities not to exceed four (4) cases per purchaser per day. A winery shall deliver or ship the packages to the purchaser through a licensed common carrier that is authorized to deliver or ship wine in the jurisdiction to which the products will be delivered or shipped; and
    - 2. Pursuant to subscription or small farm winery-sponsored club programs, in quantities not to exceed an aggregate of one (1) case per month per calendar year, provided that the enrollment and payment for the subscription or club is arranged in person at the small farm winery. At the member's request, an order may be delivered or shipped directly to the member. All deliveries or shipments shall be made through a licensed common carrier authorized to deliver or ship wine in the jurisdiction to which the products will be delivered or shipped.
- (3) If the requirements of KRS 242.1241 or 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 *during the hours and times as permitted in the local ordinance* ~~[between the hours of 1 p.m. until the prevailing time]~~ for that locality.

- (4) A small farm winery license holder may also hold an NQ2 retail drink license or an NQ4 retail malt beverage drink license if:
  - (a) The small farm winery is located in wet territory or in a precinct that has authorized alcoholic beverage sales by the small farm winery under KRS 242.124; and
  - (b) 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.
- (5) This section shall not exempt the holder of a small farm winery license from the provisions of KRS Chapters 241 to 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.
- (6) Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.
- (7) Upon the approval of the department, a small farm winery license may be renewed after the licensee submits to the department the winery's federal basic permit and proof of its annual wine production.
- (8) An employee of a small farm winery may sample the products produced by that small farm winery for purposes of education, quality control, and product development.

➔Section 11. KRS 244.290 is amended to read as follows:

- (1) (a) A licensee authorized to sell distilled spirits or wine at retail shall be permitted to sell and deliver distilled spirits and wine 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, urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county 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 permitted by KRS 243.050 and subsection (4) of this section, a licensee authorized to sell distilled spirits or wine at retail shall not sell or deliver distilled spirits and wine between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday.
- (4) A licensee authorized to sell distilled spirits and wine at retail may sell and deliver distilled spirits and wine on Sunday and during the hours and times as permitted by local ordinance of the legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or the county with local jurisdiction. These ordinances shall not prohibit the sale, gift, or delivery of distilled spirits or wine between 6 a.m. and 12 midnight any day, except Sunday.
- (5) In any territory 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 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 *during the hours and times as permitted in the local ordinance* ~~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 in that county in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits administrator may issue a license to holders of a quota retail drink license or a special private club license that permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.

➔Section 12. KRS 243.0307 is amended to read as follows:

- (1) A sampling license may be issued to the holder of:
  - (a) A quota retail drink license;
  - (b) A quota retail package license;
  - (c) *A nonquota retail malt beverage package license;*
  - (d) An NQ1 license;
  - (e) ~~(d)~~ An NQ2 license; ~~or~~
  - (f) *An NQ4 retail malt beverage drink license; or*
  - (g) ~~(e)~~ A distiller's license.
- (2) A sampling license shall authorize the licensee to allow customers to sample, free of charge, distilled spirits, ~~and~~ wine, *and malt beverages* under the following conditions:
  - (a) Sampling shall be permitted only on licensed premises and by licensees holding a sampling license, during regular business hours;
  - (b) A distillery shall provide samples as authorized by KRS 243.0305; ~~and~~
  - (c) All other licensees shall limit a customer to:
    - 1. One (1) ounce of distilled spirits samples per day; ~~and~~
    - 2. Six (6) ounces of wine samples per day; *or*
    - 3. *Twelve (12) ounces of malt beverage samples per day; and*
  - (d) *A brewer, microbrewery, or out-of-state malt beverage supplier may conduct a sampling of malt beverages as permitted by this section at the licensed premises of a retailer licensee holding a sampling license.*
- (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 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; *and*
- (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) Free and paid samples provided under this section shall not constitute drink sales.

➔Section 13. KRS 244.461 is amended to read as follows:

- (1) Manufacturers and importers of *malt beverages*, distilled spirits, and wine may advertise and promote, by specific brand and bottle size, *malt beverages*, distilled spirits, and wine for off-premises consumption by use of rebate coupons.
- (2) *Except as provided in subsection (3) of this section*, rebate coupons are redeemable by the consumer at the point of purchase, or by mail-in certificate by which the consumer receives a cash refund or nonalcoholic beverage merchandise from the manufacturer, importer, or clearinghouse acting for the manufacturer or importer, upon submission by the consumer of the required proof of purchase.
- (3) *Rebate coupons on malt beverages that are redeemable by the consumer at the point of purchase are prohibited. Manufacturers and importers of malt beverages may provide rebate coupons that are redeemable by mail-in certificate by which the consumer receives a cash refund or nonalcoholic beverage merchandise from the manufacturer, importer, or clearinghouse acting for the manufacturer or importer, upon submission by the consumer of the required proof of purchase. Redemption of permitted rebate coupons on malt beverages shall be funded solely by manufacturers and importers of malt beverages.* ~~Rebate coupons on malt beverages are prohibited.~~
- (4) Unless prohibited by KRS 244.050, loyalty cards issued by retailers that reward customers with product discounts for buying goods or services shall not be prohibited by this section.

➔Section 14. KRS 244.500 is amended to read as follows:

- (1) Except as permitted by subsection (2) of this section, a licensee shall not offer or give anything tangible of value as a premium, gift, or prize for:
  - (a) The return of caps, stoppers, corks, stamps, wrappers, coupons, or labels taken from any bottle, case, barrel, or package containing malt beverages; or
  - (b) Any purpose in connection with the sale of malt beverages.
- (2) The following activities shall be permitted:
  - (a) The return of moneys specifically deposited for the return of the original containers to the owners;
  - (b) A premium, gift, or prize by brewers, wholesalers, or distributors to wholesalers, distributors, or their employees in connection with sales incentive programs;
  - (c) Brewer-sponsored national sweepstakes in which major prizes, not including ~~rebates, price discount coupons, or~~ brand-related novelty items, are given to consumers based on certificates found in malt beverage packages or on point of sale materials. Malt beverage distributors, retail licensees, and their employees shall not be eligible to redeem the certificates or participate in the national sweepstakes;
  - (d) The sale of malt beverages packaged in or securely bundled with brand-related novelty items if the price charged for the packaged or bundled malt beverages specifically includes the cost of the brand-related novelty item; and
  - (e) Loyalty cards issued by retailers that reward customers with points or discounts for buying goods or services.

➔Section 15. 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 that brewer or distributor to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons:
  - (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 the retailer's 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 malt beverages administrator, having regard for the public health, the quantity and value of the articles involved, the prevention of monopoly, and the practice of deception, may permit through the promulgation of an administrative regulation;
  - (d) By paying or crediting the retailer for any advertising, display, or distribution service subject to the exceptions that the board may permit through the promulgation of an administrative regulation;
  - (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 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, 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.
- (3) A retailer shall not require or demand that a brewer or distributor violate this section.
- (4) ***Sampling events conducted under subsection (2)(d) of Section 12 of this Act shall not be a violation of this section.***

➔Section 16. KRS 244.600 is amended to read as follows:

No brewer shall induce through any of the following means, any retailer selling malt beverages by the package or drink to purchase any malt beverage products 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 engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in malt beverages:

- (1) By commercial bribery;
- (2) By offering or giving any bonus, premium, or compensation to any officer, employee, or representative of the retailer; or
- (3) By making or allowing any rebates or refunds to any officer, employee, or representative of the retailer.
- (4) ***Sampling events conducted under subsection (2)(d) of Section 12 of this Act shall not be a violation of this section.***

➔Section 17. KRS 243.086 is amended to read as follows:

- (1) A "Nonquota type 3" or "NQ3" retail drink license may be issued to an applicant operating as, or in:
  - (a) A private club ~~in existence for longer than one (1) year prior to the license application~~;
  - (b) A dining car; or
  - (c) A bed and breakfast.
- (2) The holder of an NQ3 retail drink license may purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors. The holder of an NQ3 retail drink license shall store alcoholic beverages in the manner prescribed in KRS 244.260.
- (3) A qualifying private club holding an NQ3 retail drink license shall exclude the general public from the licensed premises.

- (4) A qualifying bed and breakfast holding an NQ3 retail drink license shall only sell alcoholic beverages by the drink to paid overnight guests of the licensee.

➔Section 18. KRS 243.110 is amended to read as follows:

- (1) Except as provided in subsection (3) of this section, each kind of license listed in KRS 243.030 shall be incompatible with every other kind listed in that section and no person or entity holding a license of any of those kinds shall apply for or hold a license of another kind listed in KRS 243.030.
- (2) (a) Each kind of license listed in KRS 243.040(1), (3), or (4) shall be incompatible with every other kind listed in KRS 243.040(1), (3), or (4), and no person holding a license of any of those kinds shall apply for or hold a license of any other kind listed in KRS 243.040(1), (3), or (4).
- (b) A brewery holding a license listed in KRS 243.040(5) or (8) shall not apply for or hold a license listed in KRS 243.040(3) or (4).
- (3) (a) The holder of a quota retail package license may also hold a quota retail drink license, an NQ1 retail drink license, an NQ2 retail drink license, *an NQ3 retail drink license*, or a special nonbeverage alcohol license.
- (b) The holder of a transporter's license may also hold a distilled spirits and wine storage license.
- (c) The holder of a distiller's license may also hold a rectifier's license, a special nonbeverage alcohol license, a winery license, or a small farm winery license.
- (d) A commercial airline system or charter flight system retail license, a commercial airline system or charter flight system transporter's license, and a retail drink license if held by a commercial airline or charter flight system may be held by the same licensee.
- (e) A Sunday retail drink license and supplemental license may be held by the holder of a primary license.
- (4) Any person may hold two (2) or more licenses of the same kind.
- (5) A person or entity shall not evade the prohibition against applying for or holding licenses of two (2) kinds by applying for a second license through or under the name of a different person or entity. The state administrator shall examine the ownership, membership, and management of applicants, and shall deny the application for a license if the applicant is substantially interested in a person or entity that holds an incompatible license.

➔Section 19. KRS 244.085 is amended to read as follows:

- (1) A person under twenty-one (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.
- (2) A person under twenty-one (21) years of age shall not possess for personal use or purchase or attempt to purchase or have another purchase for the person any alcoholic beverages. No person shall aid or assist any person under twenty-one (21) years of age in purchasing or being delivered or served any alcoholic beverages.
- (3) A person under twenty-one (21) years of age shall not misrepresent the person's 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.
- (4) A person under twenty-one (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.
- (5) Except as provided in KRS 244.090, a licensee, or the licensee's 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 licensee 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, brewery, winery, convenience store, grocery store, drug store, entertainment destination center, licensed APC premises, *live music or other entertainment or public facility*, or any other business type, as determined by the board through the promulgation of administrative regulations, whose operations allow it to adequately monitor and prevent alcohol sales to minors; *or*

- (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 administrators 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.~~
- (6) Except as provided in subsection (5) 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.
- (7) Except as provided in subsection (5) 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 the person under the age of twenty-one (21) 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) A violation of subsection (1), (2), (3), (4), or (7) 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 20. KRS 241.010 is amended to read as follows:

As used in KRS Chapters 241 to 244, 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, 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) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (8) "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) "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) "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) "Caterer" means a person operating a food service business that prepares food in a licensed and inspected commissary, transports the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to an agreed location, and serves the food and alcoholic beverages pursuant to an agreement with another person;
- (12) "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) "Cider" means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider;
- (14) "City administrator" means city alcoholic beverage control administrator;
- (15) "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) "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;
- (18) "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) "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) "County administrator" means county alcoholic beverage control administrator;
- (21) "Department" means the Department of Alcoholic Beverage Control;
- (22) "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) "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) "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) "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) "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;
- (28) "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) "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) "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;
- (31) "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- (32) "Investigator" 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 licensees, 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;

- (33) "License" means any license issued pursuant to KRS Chapters 241 to 244;
- (34) "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- (35) "Limited restaurant" means:
  - (a) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage 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; or
  - (b) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons of dining, and which is located in a wet or moist territory under KRS 242.1244;
- (36) "Local administrator" means a city alcoholic beverage administrator, county alcoholic beverage administrator, or urban-county alcoholic beverage control administrator;
- (37) "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;
- (38) "Manufacture" means distill, rectify, brew, bottle, and operate a winery;
- (39) "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- (40) "Minor" means any person who is not twenty-one (21) years of age or older;
- (41) "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 ~~Chapter 242{242.022, 242.123, 242.1238, 242.124, 242.1242, 242.1243, 242.1244, or 242.1292}~~;
- (42) "Population" means the population figures established by the federal decennial census for a census year or the current yearly population estimates prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, for all other years;
- (43) "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;
- (44) "Primary source of supply" or "supplier" means the distiller, winery, brewer, producer, owner of the commodity at the time it becomes a marketable product, bottler, or authorized agent of the brand owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler, or agent of the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler, or owner;
- (45) "Private club" means a nonprofit social, fraternal, military, or political organization, club, or ***nonprofit or for-profit*** entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;
- (46) "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;
- (47) "Qualified historic site" means:



- (a) 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;
  - (b) 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;
  - (c) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; or
  - (d) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;
- (48) "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;
- (49) "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;
- (50) "Restaurant" means a facility where the usual and customary business is the preparation and serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and alcoholic beverage receipts from the sale of food at the premises;
- (51) "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;
- (52) "Retail sale" means any sale where delivery is made in Kentucky to any consumers;
- (53) "Retailer" means any licensee who sells and delivers any alcoholic beverage to consumers, except for producers with limited retail sale privileges;
- (54) "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;
- (55) "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;
- (56) "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;
- (57) "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;
- (58) "Small farm winery" means a winery whose wine production is not less than two hundred fifty (250) gallons and not greater than ~~five~~~~one~~ hundred thousand ~~(500,000)~~~~(100,000)~~ gallons in a calendar year;
- (59) "Souvenir package" means a special package of distilled spirits available from a licensed retailer that is:
- (a) Available for retail sale at a licensed Kentucky distillery where the distilled spirits were 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;
- (60) "State administrator" or "administrator" means the distilled spirits administrator or the malt beverages administrator, or both, as the context requires;
- (61) "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;

- (62) "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;
- (63) "Territory" means a county, city, district, or precinct;
- (64) "Urban-county administrator" means an urban-county alcoholic beverage control administrator;
- (65) "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;
- (66) "Vintage distilled spirit" means a package or packages of distilled spirits that:
  - (a) Are in their original manufacturer's unopened container;
  - (b) Are not owned by a distillery; and
  - (c) Are not otherwise available for purchase from a licensed wholesaler within the Commonwealth;
- (67) "Warehouse" means any place in which alcoholic beverages are housed or stored;
- (68) "Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;
- (69) "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 or 242.125 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?"
- (70) "Wholesale sale" means a sale to any person for the purpose of resale;
- (71) "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;
- (72) "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
- (73) "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.

**Signed by Governor April 24, 2020.**

## CHAPTER 103

### ( HB 479 )

AN ACT relating to policemen's and firefighters' retirement funds of the urban-county governments.

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

➔Section 1. KRS 67A.440 is amended to read as follows:

- (1) (a) Upon death of a member due to occupational causes, regardless of length of service, ~~the~~~~his~~ surviving ~~spouse~~~~widow~~ shall be entitled immediately upon cessation of salary to an annuity equal to seventy-five percent (75%) of the member's last rate of salary. This annuity shall be payable until **the surviving spouse** dies. In addition, if any minor children of the member, under age eighteen (18), survive the member, the **surviving spouse** or parent or legal guardian shall receive on account of each child, ten percent (10%) of the member's last rate of salary until each child attains age eighteen (18). In the case of a child regularly engaged in full-time educational activities, payments shall continue until age twenty-three (23), but payments shall be made directly to a child between the ages of eighteen (18) and twenty-three (23). The combined payments to a **surviving spouse** and minor children shall not exceed one hundred percent (100%) of ~~the~~~~his~~ final rate of salary. When more than one (1) child

survives the member, the amount payable by reason of such children shall be divided equally among them.

- (b) Any surviving ~~spouse[widow]~~ who is drawing a benefit pursuant to paragraph (a) of this subsection on July 1, 2013, that is less than the amount computed under paragraph (a) of this subsection, shall have ~~the[her]~~ retirement annuity increased to the amount determined under paragraph (a) of this subsection.
- (2) If the member is not survived by a ~~spouse[widow]~~, ~~[or, if she remarries,]~~ and there are minor children of the member, the following benefits shall be paid:
  - (a) One (1) minor child, fifty percent (50%) of the final rate of salary;
  - (b) Two (2) minor children, an additional fifteen percent (15%) of final salary;
  - (c) Three (3) or more minor children, an additional ten percent (10%) of final salary, subject to a maximum combined payment of seventy-five percent (75%) of the member's final rate of salary.

These benefits shall be divided in equal amounts for each child and paid to the parent or legal guardian of each child under eighteen (18). In the case of a child regularly engaged in full-time educational activities, payments shall continue until age twenty-three (23), but payments shall be made directly to the child between the ages of eighteen (18) and twenty-three (23). As eligibility of children expires, the total annuity payment shall be reduced by percentage amount in reverse order.

- (3) If neither a ~~surviving spouse[widow]~~ nor minor children eligible for benefits survive the member, each dependent parent shall be entitled to an annuity equal to twenty-five percent (25%) of the member's last rate of salary, or fifty percent (50%) to both parents.

➔Section 2. KRS 67A.450 is amended to read as follows:

- (1) ~~For[Upon death of]~~ a member ***who on the date of death is not eligible for a voluntary service retirement under KRS 67A.410, whose death occurs[occurring]*** while in service, arising from any cause other than in the performance of duty, provided the member has had at least five (5) years of total service, his or her surviving spouse shall receive an annuity equal to one and one-half percent (1-1/2%) of average salary for each year of total service, credited to the member, but not less than fifteen percent (15%) of average salary, subject to the following conditions:
  - (a) The surviving spouse had been married to the member at least six (6) months prior to his or her death;
  - (b) The surviving spouse's annuity will terminate in any event when the surviving spouse dies. The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23).
- (2) If, in addition to a surviving spouse, minor children survive the member, an additional annuity shall be payable for such children equal to fifty percent (50%) of the amount of the surviving spouse's annuity for the first child, and twenty-five percent (25%) of the amount of the surviving spouse's annuity for each additional child, subject to a maximum combined payment for the surviving spouse and children of seventy-five percent (75%) of the member's average salary. The annuity payable for minor children shall be divided and paid in equal amounts for each child to the parent or guardian of each child under eighteen (18), and directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. As eligibility of children expires, the total annuity payable for such children shall be reduced by percentage amount in reverse order.
- (3) If the member is not survived by a surviving spouse who qualifies under KRS 67A.450(1)(a) and there are minor children, the following benefits shall be paid: (a) one (1) minor child, fifty percent (50%), (b) two (2) minor children, fifteen percent (15%) additional, (c) three (3) or more minor children ten percent (10%) additional, subject to a maximum combined payment of seventy-five percent (75%) of the average salary as defined in KRS 67A.360(13). The benefits payable for minor children shall be divided and paid in equal amounts for each child to the parent or legal guardian of each child under the age of eighteen (18), and directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains age eighteen (18), or, in the case of a child regularly engaged in full-time educational activities the age of twenty-three (23). The annuity payments shall be reduced in reverse order, as provided in subsection (2) of this section.
- (4) ***Any active member who, on the date of death would otherwise be eligible for a service retirement under KRS 67A.410, shall be deemed to have service until the date of the member's death calculated with credit***

*for accumulated sick leave under KRS 67A.404. The deceased member shall be deemed to have elected the survivorship one hundred percent (100%) allowance option under subsection (2)(b) of Section 4 of this Act.*

➔Section 3. KRS 67A.462 is amended to read as follows:

- (1) Once each year following the retirement of a member on a disability retirement allowance, the board may require the person, prior to his *or her* normal retirement date, to undergo a medical examination. Should he *or she* refuse to submit to any such medical examination, his *or her* retirement allowance shall be discontinued until his *or her* withdrawal of his *or her* refusal, and should his *or her* refusal continue for one (1) year, all his *or her* rights to any further disability allowance shall cease. Any member whose medical examination reveals that he *or she* is no longer totally and permanently disabled within the meaning of KRS 67A.360(16) shall be disqualified from further receipt of disability benefits.
- (2)
  - (a) Once each year following the retirement of a member on a disability retirement allowance the board shall require the person, prior to his *or her* normal retirement date, to complete and return to the board a statement indicating whether he *or she* is employed, the name of his *or her* employer, if any, and a description of his *or her* job duties. The board shall discontinue the disability benefits of any member for the duration of his *or her* refusal to provide the board with employment information. Any member who fails to provide the information to the board within one (1) year after the initial request shall lose his *or her* right to any further disability benefits.
  - (b) The board shall have the right to terminate the disability retirement benefits of any member who is employed in an occupation which is essentially similar to that of his *or her* former employment, either in job classification, similarity of duties, or which otherwise demonstrates that the member is performing activities for which he *or she* earlier claimed he *or she* was disabled from performing. For the purpose of this section, members~~[who were sworn police officers]~~ may not hold a sworn position as *an elected, paid, or volunteer* peace officer, firefighter, paramedic, or any other position generally considered to be a public safety position that otherwise qualifies for hazardous duty salary, retirement, or death benefits under the laws of the Commonwealth or the laws applicable to such employment within the state or federal jurisdiction governing the position, and continue to receive disability benefits.
- (3) *The board is authorized to make reasonable investigative inquiries, conduct a hearing, and request the appearance of witnesses, including the member receiving disability benefits, to ensure compliance with this section. Any member whose disability benefits are terminated may request a rehearing before the board under KRS 67A.660. A member may seek judicial review of any final order of the board revoking disability benefits in accordance with KRS 67A.670.*

➔Section 4. KRS 67A.492 is amended to read as follows:

- (1)
  - (a) Upon the death of a retired member, his or her surviving spouse shall receive an annuity equal to sixty percent (60%) of the member's final annuity, or of the member's final rate of pay, whichever is greater.
  - (b) Upon the death of a member who withdraws on a certificate as provided by KRS 67A.410(3)(a) or (b), his or her surviving spouse shall receive an annuity equal to sixty percent (60%) of the member's service retirement annuity.
  - (c) The surviving spouse must have been married to the member for at least three (3) years prior to the member's death or six (6) months prior to the member's retirement or withdrawal on a certificate as provided by KRS 67A.410(3)(a) or (b), in order to be eligible for the benefits provided in this section. Effective April 4, 2006, the benefits provided by this section shall be made eligible to surviving spouses of any retired member who died on July 14, 2000, or thereafter.
- (2) Any member who retires on July 15, 1990, or thereafter, and any member who withdraws on a certificate as provided by KRS 67A.410(3)(a) or (b), shall have the option at retirement or upon application for a certificate to purchase an increased annuity allowance for his or her surviving spouse. The amount of any such optional survivorship allowance shall be actuarially equivalent to the amount of retirement allowance otherwise payable to the member. *No surviving minor children annuity shall be payable under subsection (3) of this section if a surviving spouse annuity is payable under this subsection.* The member may elect either of two (2) options:
  - (a) Survivorship seventy-five percent (75%). The member may elect to receive a decreased retirement allowance during his or her lifetime and have seventy-five percent (75%) of such retirement allowance

continue after the member's death to his or her eligible surviving spouse until the surviving spouse's death.

- (b) Survivorship one hundred percent (100%). The member may elect to receive a decreased retirement allowance during his or her lifetime and have such retirement allowance continued at the same rate after the member's death to his or her eligible surviving spouse until the surviving spouse's death.
- (3) *If, in addition to a surviving spouse who is entitled to an annuity under subsection (1) of this section, a minor child or children survive the member, an additional annuity shall be provided for such child or children equal to:*

- (a) *For the first child, fifty percent (50%) of the amount of the surviving spouse's annuity; and*
- (b) *For each additional child, twenty-five percent (25%) of the amount of the surviving spouse's annuity; subject to a maximum combined annuity for the surviving spouse and minor children not to exceed seventy-five percent (75%) of the member's final annuity, final rate of pay, or service retirement annuity, calculated, as applicable, under subsection (1) of this section.*

*The annuity provided for the minor children shall be divided and paid in equal amounts for each child to the surviving parent or guardian of each child under the age of eighteen (18), and paid directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains the age of eighteen (18), or in the case of a child regularly engaged in full-time educational activities, the age of twenty-three (23). As the eligibility of children expire, the total annuity for such children shall be reduced by percentage amount in reverse order.*

- (4) *If the member is not survived by a spouse who qualifies under subsection (1) or (2) of this section, and a minor child or children survive the member, an annuity shall be provided for such child or children equal to the following share of the member's final annuity, final rate of pay, or service retirement, whichever is greater:*

- (a) *For the first child, fifty percent (50%); and*
- (b) *1. For two (2) children, an additional fifteen percent (15%); or*  
*2. For three (3) or more children, an additional ten percent (10%) each;*

*subject to a maximum combined annuity for all minor children not to exceed seventy-five percent (75%) of the member's final annuity, final rate of pay, or service retirement, whichever is greater.*

*The annuity provided for the minor children shall be divided and paid in equal amounts for each child to the surviving parent or guardian of each child under the age of eighteen (18), and paid directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains the age of eighteen (18), or in the case of a child regularly engaged in full-time educational activities, the age of twenty-three (23). As the eligibility of children expire, the total annuity for such children shall be reduced by percentage amount in reverse order.*

➔Section 5. KRS 67A.530 is amended to read as follows:

- (1) The responsibility for the proper operation of the fund and the direction of its policies shall be vested in a board of trustees of twelve (12) members, consisting of the mayor, the commissioner of public safety, the commissioner of finance, the director of human resources, two (2) retired members of the fund, the chiefs of the police and fire department, and two (2) active members of each department, who shall be elected by ballot by the active members of the respective departments and shall serve for alternating terms of two (2) years under rules adopted by the board. One of the active members representing each department shall be elected on even-numbered years; and the other active member representing the department shall be elected on odd-numbered years. In the event of a vacancy of an elected member, the pension board shall fill the vacancy by appointment until the next regular election.
- (2) The retired fund members shall be selected by retired fund members by ballot to serve two (2) year terms. One (1) retired fund member shall be a retired fire department member, and the other shall be a retired police department member. Retired fund members of a department shall submit the names of at least three (3) nominees from their department to the pension board not less than three (3) months before the term of office is due to expire. The retired members of *each department* ~~[both departments]~~ shall have the right to vote for

nominees ~~of the [from either]~~ department *from which the member retired*. For the term beginning October 15, 2000, names of nominees from each department shall be submitted to the pension board by no later than August 15, 2000, *and August 15 of each subsequent election year*. The pension board shall cause to be prepared an official ballot *of the retired nominees for each respective department* which shall be distributed to all retired fund members *from each respective department from which the member retired* by mail to their last known address. The ballot shall contain the name~~[-]~~ and address~~[-, and former department]~~ of each of the candidates. ~~[The candidates shall be grouped together by departments for voting purposes and ]~~Retired fund members shall be instructed to vote for one (1) *nominee*~~[member from each department]~~. Any ballot marked with more than one (1) vote per *ballot*~~[department]~~ shall be disqualified and not counted.~~[The retiree from either department receiving the most votes shall serve a two (2) year term. The retiree from the other department receiving the most votes shall serve an initial term of one (1) year. Subsequently, retirees elected in alternate years from each department shall serve two (2) years.]~~ In the event of vacancy of an elected retired fund member of the board, the retiree receiving the next largest number of votes from the department for which the vacancy exists shall fill the vacancy until the next election for a representative of that retiree's department. Retired fund members shall vote for one (1) candidate from ~~the [each]~~ department *from which the member retired* by marking a square opposite the name of the candidate of his *or her* choice and returning the marked ballot to the secretary of the pension board. Votes shall be tabulated by a committee of three (3) pension board members appointed by the chairman for that purpose. The tabulating committee shall report in writing to the pension board the results of the election and the name of the retired fund member who shall serve on the board.

➔Section 6. KRS 67A.560 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 the secretary's compensation. The secretary shall keep a full account of all proceedings of the board and shall give notice of all meetings and give effect to all resolutions, orders, and directives of the board. The secretary 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 commissioner of finance shall be ex officio treasurer of the board and custodian of the fund. The commissioner 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 commissioner of finance shall, within ten (10) days after his or her 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 the office, and that the commissioner shall safely keep and shall truthfully account for all money and properties that come into his or her hands as treasurer of the fund, and that upon the expiration of his or her term of office, he or she shall deliver to his or her successor all securities, unexpended moneys, and other properties that come into his or her hands as treasurer of the fund. The bond shall 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.
- (5) The commissioner of law of the government shall serve as legal adviser to the board, except that the board shall have the power to hire independent counsel, the cost of such independent counsel to be borne by the pension fund.
- (6)
  - (a) The board shall 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 conduct the annual actuarial valuation of the fund, to determine the government's contribution as provided by KRS 67A.520, and to make periodic analyses of the operation of the fund.
  - (b) Within six (6) months after the establishment of an urban-county form of government, an actuarial study shall be made for the purpose of recommending rates, mortality, disability, retirement, separations from service, and other essential factors.

- (c) Beginning with the fiscal year ending June 30, 2013, and each fiscal year thereafter, an actuarial valuation of the fund shall be completed by the actuary employed by the fund. The valuation shall include a description of the actuarial assumptions used and descriptive statistics on the actuarial health of the fund, and shall determine the government's contribution in accordance with KRS 67A.520. Actuarial assumptions used in the fund's valuation shall be reasonably related to the experience of the fund and represent the actuary's best estimate of anticipated experience.
  - (d) At least once every five (5) years, the board shall cause an actuarial experience study of the fund to be completed by the actuary employed by the board. The actuarial experience study shall include a review of actuarial assumptions, actuarial tables, and actuarial funding methods used in the actuarial valuation. Based upon the results of the experience study, the actuary employed by the fund shall recommend the actuarial assumptions, actuarial tables, and actuarial funding methods to be adopted by the board.
  - (e) In the event the actuarial valuation or actuarial experience study is not undertaken as provided by this subsection, any member of the fund or any annuitant may obtain an injunction or mandamus requiring the actuarial valuation or actuarial experience study be completed, or may obtain the appointment of a person or persons to complete the actuarial valuation or actuarial experience study, from the Circuit Court of any county in which the government is located.
- (7) The board shall establish rules and regulations to implement the provisions of KRS 67A.360 to 67A.690 which shall not be inconsistent therewith. ***Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 67A.360 to 67A.690 conform with federal statutes or regulations and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 67A.360 to 67A.690 which conflict with federal statutes or regulations or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate regulations to conform with federal statutes and regulations and to meet the qualification requirements under 26 U.S.C. sec 401(a).***

➔Section 7. KRS 67A.660 is amended to read as follows:

After a determination has been made on any application by the board, any interested person may, within twenty (20) days after notice of the determination or finding of the board, apply for a rehearing with respect to any of the matters determined by the board. The application shall specify the matter of which a rehearing is sought. The board shall fix the time for the rehearing ***at the board's next scheduled regular meeting held***~~[within twenty (20) days]~~ after the same is filed with the secretary of the board, in no event to be less than sixty (60) days from the date the application is filed unless otherwise agreed by the parties. Upon the rehearing a complete transcript shall be made of all evidence presented. The cost of such transcript shall be borne equally by the applicant for the rehearing and the board. Upon rehearing, the board may change, modify, vacate or affirm its previous order upon said application and enter such an order as it deems necessary.

**Signed by Governor April 24, 2020.**

## CHAPTER 104

**( HB 458 )**

AN ACT relating to home or hospital instruction.

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

➔Section 1. KRS 157.270 is repealed, reenacted as a new section of KRS Chapter 158, and amended to read as follows:

- (1) If in any district there are ***students***~~[exceptional children]~~ not able even with the help of transportation to be assembled in a school, instruction shall be provided ***to the student*** in the ***student's***~~[child's]~~ home or in ***a hospital***~~[hospitals or sanatoria]~~.
- (2) ***For a student to be eligible for home or hospital instruction, a signed statement of the diagnosed condition requiring home or hospital instruction shall be provided in accordance with subsection (2) of Section 2 of this Act.***

- (3) *For the purposes of KRS 157.360, a student instructed under this section who receives*~~[Exceptional children so instructed may be counted under the provisions of KRS 157.360, counting, however,]~~ a minimum of two (2) *instructional sessions*~~[visits]~~ a week with a minimum of one (1) hour of instruction per *session*~~[visit]~~ by a *certified* teacher provided by the board of education *shall equal*~~[as equivalent to]~~ the *student attending*~~[attendance of one (1) child]~~ five (5) days in school.
- (4) *For students with disabilities, the admissions and release committee shall be responsible for placement decisions regarding home or hospital instruction in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et. seq. The home or hospital instruction shall be provided pursuant to the individual education program as determined by the admissions and release committee. For the purposes of KRS 157.360, students receiving home or hospital instruction under this subsection may be counted in attendance in accordance with subsection (3) of this section.*
- (5) *The Kentucky Board of Education shall promulgate administrative regulations to establish the components of home or hospital instruction.*
- (6) *An instructional session may be delivered in person, electronically, or through other means established in regulation.*

➔Section 2. KRS 159.030 is amended to read as follows:

- (1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:
- (a) Who is a graduate from an accredited or an approved four (4) year high school; or
  - (b) Who is enrolled and in regular attendance in a private, parochial, or church regular day school. It shall be the duty of each private, parochial, or church regular day school to notify the local board of education of those students in attendance at the school. If a school declines, for any reason, to notify the local board of education of those students in attendance, it shall so notify each student's parent or legal guardian in writing, and it shall then be the duty of the parent or legal guardian to give proper notice to the local board of education; or
  - (c) Who is less than seven (7) years old and is enrolled and in regular attendance in a private kindergarten-nursery school; or
  - (d) Whose physical or mental condition prevents or renders inadvisable attendance at school~~[or application to study]~~; or
  - (e) Who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children; or
  - (f) Who is enrolled and in regular attendance in a state-supported program for exceptional children;
  - (g) For purposes of this section, "church school" shall mean a school operated as a ministry of a local church, group of churches, denomination, or association of churches on a nonprofit basis.
- (2) (a) Before granting an exemption under subsection (1)(d) of this section, the board of education of the district in which the child resides shall require *submission to the board of* satisfactory evidence~~[,]~~ in the form of ~~a~~:
- ~~(a) A~~ signed statement of a *properly* licensed physician, advanced practice registered nurse, *physician's assistant*, psychologist, *or* psychiatrist *responsible for diagnosing and treating the child, stating*~~[, chiropractor, or public health officer,]~~ that the *diagnosed* condition of the child prevents or renders inadvisable attendance at school *and requires home or hospital instruction*~~[or application to study]~~. *If the condition is mental health related, then the signed statement shall be completed by a licensed physician, psychiatrist, psychologist, or physician's assistant described in KRS 202A.011 or an advanced practice registered nurse defined in KRS 314.011 and certified in psychiatric-mental health nursing.* On the basis of such evidence, the *local board of education*~~[board]~~ may exempt the child from compulsory attendance.
  - (b) Any child who is excused from school attendance more than six (6) months shall have two (2) signed statements from a combination of *two (2) of* the~~[following]~~ professional persons *in accordance with paragraph (a) of this subsection*~~[- a licensed physician, advanced practice registered nurse, psychologist, psychiatrist, chiropractor, and health officer]~~, except that this requirement shall not apply to a child whose *signed statement*~~[treating physician, advanced practice registered nurse, chiropractor,~~



~~or public health officer~~ certifies that the student has a chronic physical condition that prevents or renders inadvisable attendance at school ~~[or application to study]~~ and is unlikely to substantially improve within one (1) year. ~~[; or]~~

~~[(b) An individual education plan specifying that placement of the child with a disability at home or in a hospital is the least restrictive environment for providing services.]~~

(c) Exemptions of *any student* ~~[all children]~~ under the provisions of subsection (1)(d) of this section shall be reviewed annually with the evidence required being updated ~~[, except that for an exceptional child whose treating physician, advanced practice registered nurse, chiropractor, or public health officer certifies that the student has a chronic physical condition unlikely to substantially improve within three (3) years, the child's admissions and release committee shall annually consider the child's condition and the existing documentation to determine whether updated evidence is required. Updated evidence shall be provided for a child upon determination of need by the admissions and release committee, or at least every three (3) years].~~

(3) *The Kentucky Board of Education may promulgate administrative regulations to establish the components of compulsory attendance and exemptions* ~~[For any child who is excluded under the provisions of subsection (1)(d) of this section, home, hospital, institutional, or other regularly scheduled and suitable instruction meeting standards, rules, and regulations of the Kentucky Board of Education shall be provided].~~

Signed by Governor April 24, 2020.

## CHAPTER 105

( HB 419 )

AN ACT relating to postsecondary transparency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) *In order to help prospective students make more informed decisions about their futures and ensure that they are adequately aware of the cost of college and other career paths, the Council on Postsecondary Education shall compile on an annual basis the following information:*

(a) *The most in-demand jobs in the state along with the starting salary, the median salary, and the typical education level for those jobs;*

(b) *For the University of Kentucky, the University of Louisville, each comprehensive university, and each college within the Kentucky Community and Technical College System:*

1. *The average cost;*

2. *The average three (3) year student loan default rate;*

3. *The average student loan debt for students who have attended the institution;*

4. *The percentage of students taking out student loans;*

5. *The average graduation rate and average time to completion;*

6. *The number of students completing high school credential programs and career and technical education programs, and, as available, the number of students completing apprenticeship programs; and*

7. *The median and range of starting salaries for graduates; and*

(c) *For each college within the Kentucky Community and Technical College System, the percentage of students employed by program area and, as data becomes available, the rate of students gainfully employed in the recognized occupation for which the student was trained or in a related comparable recognized occupation.*

- (2) *The Council on Postsecondary Education shall maintain and ensure access to the information by prospective students in the state. The council shall work with the Kentucky Center for Statistics, the Kentucky Department of Education, the Education and Workforce Development Cabinet, and the Kentucky Higher Education Assistance Authority and other stakeholders the council determines necessary to develop a delivery method to carry out the objectives of this section.*
- (3) *The council may promulgate administrative regulations necessary to carry out this section and may require and compile information for specific programs within the postsecondary institutions identified in subsection (1)(b) of this section.*

➔Section 2. This Act may be cited as the Students' Right to Know Act.

➔Section 3. This Act takes effect July 1, 2021.

**Signed by Governor April 24, 2020.**

## CHAPTER 106

( HB 299 )

AN ACT relating to deputy jailers.

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

➔Section 1. KRS 71.060 is amended to read as follows:

- (1) The jailer shall be liable on his official bond for the conduct of his deputies. The deputies shall have all the powers and be subject to the same penalties as the jailer.
- (2) The jailer shall be responsible for the appointment and removal of jail personnel, and the jailer may dismiss his deputies at any time with cause. *Any law to the contrary notwithstanding, a jailer may appoint a deputy who resides outside the Commonwealth.* The number of jail personnel shall be set by the fiscal court in the jail budget. The fiscal court shall establish education and training requirements as permitted by regulations adopted pursuant to KRS 441.055.
- (3)
  - (a) *Before a jailer appoints a deputy jailer who resides outside of the Commonwealth, the jailer shall, in writing, certify that no qualified resident of Kentucky was available for the position of deputy jailer at the time the position was sought to be filled which justified the seeking of qualified applicants from outside of the Commonwealth.*
  - (b) *The jailer shall file a copy of the certification with the fiscal court of the county in which the jailer serves prior to appointing a deputy jailer who resides outside the Commonwealth.*

**Signed by Governor April 24, 2020.**

## CHAPTER 107

( HB 46 )

AN ACT relating to the promotion of living donor human organ and bone marrow donation.

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

➔Section 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
  - (a) *"Human organ" means any part of a human intestine, kidney, liver, lung, or pancreas;*

- (b) *"Living donor" means a full-time employee of the executive, judicial, or legislative branch of the Commonwealth of Kentucky who is absent from work due to medical reasons associated with donating a human organ or bone marrow; and*
- (c) *1. "Living organ donor leave" means a paid leave of absence provided to a living donor for time off work from the donation of a human organ or bone marrow and the recovery time associated with the donation; and*  
*2. "Living organ donor leave" does not include any other form of paid leave that has been granted by the living donor's employer.*
- (2) *The Commonwealth of Kentucky Living Organ Donor Leave Program is created. A living donor may request to receive living organ donor leave for donating a human organ or bone marrow.*
- (3) *Before being approved to receive any amount of living organ donor leave, the living donor shall submit verification of the human organ or bone marrow donation procedure to his or her employer.*
- (4) *Once approved, a living donor shall be granted living organ donor leave in an amount of:*
  - (a) *Two hundred forty (240) hours for each human organ donation; and*
  - (b) *Forty (40) hours for each bone marrow donation.*
- (5) *A living donor may be approved to receive living organ donor leave each time the living donor donates a human organ or bone marrow.*
- (6) *A living donor shall not be required to use compensatory time, sick leave, or annual leave before being eligible to receive living organ donor leave.*
- (7) *While a living donor is on living organ donor leave, he or she shall be deemed a state employee and shall receive the same treatment with respect to salary, wages, and employee benefits.*
- (8) *For purposes of determining seniority, pay or pay advancement, performance awards, and the receipt of any benefit that may be affected by a leave of absence, the service of the living donor shall be considered uninterrupted by the leave of absence.*
- (9) *The secretary of the Personnel Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement the provisions of this section.*

➔Section 2. KRS 18A.025 is amended to read as follows:

- (1) The Governor shall appoint the secretary of personnel as provided in KRS 18A.015, who shall be considered an employee of the state. The secretary shall be a graduate of an accredited college or university and have at least five (5) years' experience in personnel administration or in related fields, have known sympathies with the merit principle in government and shall be dedicated to the preservation of this principle. Additional education may be substituted for the required experience and additional experience may be substituted for the required education.
- (2) The secretary of the Personnel Cabinet or the secretary's designee, shall be responsible for the coordination of the state's affirmative action plan, established by KRS 18A.138.
- (3) There is established within the Personnel Cabinet the following offices, departments, and divisions, each of which shall be headed by either a commissioner, executive director, or division director appointed by the secretary, subject to the prior approval of the Governor pursuant to KRS 12.040 or 12.050, depending on the level of the appointment, except that the Kentucky Employees Deferred Compensation Authority shall be headed by an executive director who shall be appointed by the authority's board of directors:
  - (a) Office of the Secretary, which shall be responsible for communication with state employees about personnel and other relevant issues and for the administration and coordination of the following:
    - 1. Office of Employee Relations, composed of the following programs:
      - a. Workers' Compensation Program pursuant to KRS 18A.375;
      - b. Sick leave Sharing Program, pursuant to KRS 18A.197;
      - c. Annual Leave Sharing Program, pursuant to KRS 18A.203;
      - d. Health and Safety Program;

- e. Employee Assistance Program;
  - f. Employee Incentive Programs, pursuant to KRS 18A.202;~~and~~
  - g. Employee Mediation Program; *and*
  - h. Living Organ Donor Leave Program, pursuant to Section 1 of this Act;***
2. Office of Administrative Services, which shall be responsible for the Personnel Cabinet's administrative functions, composed of the following programs:
    - a. Division of Technology Services;
    - b. Division of Human Resources; and
    - c. Division of Financial Services;
  3. Office of Legal Services, which shall provide legal services to the Personnel Cabinet and to executive branch agencies and their representatives upon request;
  4. Office of Diversity, Equality, and Training, which shall coordinate and implement diversity initiatives for state agencies, the affirmative action plan established by KRS 18A.138, the state Equal Employment Opportunity Program, and the Minority Management Trainee Program;
  5. Governmental Services Center, which shall be responsible for employee and managerial training and organizational development;
  6. Kentucky Public Employees Deferred Compensation Authority, which shall maintain a deferred compensation plan for state employees; and
  7. Office of Public Affairs, which shall assist in all aspects of developing and executing the strategic direction of the cabinet;
- (b) Department of Human Resources Administration, which shall be composed of the:
1. Division of Employee Management, which shall be responsible for payroll, records, classification, and compensation. The division shall also be responsible for implementing lay-off plans mandated by KRS 18A.113 to 118A.1132 and shall monitor and assist state agencies in complying with the provisions of the federal Fair Labor Standards Act. The division shall:
    - a. Maintain the central personnel files mandated by KRS 18A.020 and process personnel documents and position actions;
    - b. Operate and maintain a uniform payroll system and certify payrolls as required by KRS 18A.125;
    - c. Maintain plans of classification and compensation for state service and review and evaluate the plans; and
    - d. Coordinate and implement the employee performance evaluation systems throughout state government; and
  2. Division of Career Opportunities, which shall be responsible for employment counseling, applicant processing, employment register, and staffing analysis functions. The division shall:
    - a. Operate a centralized applicant and employee counseling program;
    - b. Operate, coordinate, and construct the examination program for state employment;
    - c. Prepare registers of candidate employment; and
    - d. Coordinate outreach programs, such as recruitment and the Administrative Intern Program; and
- (c) Department of Employee Insurance, which shall be responsible for the:
1. Health Insurance Program, pursuant to KRS 18A.225;
  2. Flexible Benefit Plan, pursuant to KRS 18A.227;
  3. Division of Insurance Administration, which shall be responsible for enrollment and service functions;

4. Division of Financial and Data Services, which shall be responsible for fiscal and data analysis functions; and
  5. Life Insurance Program pursuant to KRS 18A.205 to 18A.220.
- (4) The cabinet shall include principal assistants appointed by the secretary, pursuant to KRS 12.050 or 18A.115(1)(g) and (h), as necessary for the development and implementation of policy. The secretary may employ, pursuant to the provisions of this chapter, personnel necessary to execute the functions and duties of the department.

➔Section 3. 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, *living organ donor*, 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.

**Signed by Governor April 24, 2020.**

## CHAPTER 108

( SB 55 )

AN ACT relating to blockchain technology.

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) *As used in this section, unless the context otherwise requires:*

- (a) *"Blockchain technology" means shared or distributed data structures or digital ledgers used in peer-to-peer networks that:*
  - 1. *Store digital transactions;*
  - 2. *Verify and secure transactions cryptographically; and*
  - 3. *Allow automated self-execution of smart contracts;*
- (b) *"Peer-to-peer networks" means computer systems that are connected to each other over the Internet so that each computer system:*

1. *Is a client and a server simultaneously; and*
2. *Allows file sharing without use of a central server;*
- (c) *"Smart contract" means a computerized transaction protocol that self-executes the terms of a contract and that is integrated into the blockchain program architecture; and*
- (d) *"Contract" means an agreement of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade, reached through offer and mutual acceptance by the parties to be legally bound by the terms of the agreement which includes valuable consideration for all parties.*
- (2) *There is hereby established a Blockchain Technology Working Group which shall be attached to the Commonwealth Office of Technology for administrative purposes.*
- (3) *The working group shall evaluate the feasibility and efficacy of using blockchain technology to enhance the security of and increase protection for the state's critical infrastructure, including but not limited to the electric utility grid, natural gas pipelines, drinking water supply and delivery, wastewater, telecommunications, and emergency services. The workgroup shall create a priority list of critical infrastructure that could benefit from the use of blockchain technology and then determine whether:*
  - (a) *Blockchain fits the distributed nature of transactions;*
  - (b) *The peer-to-peer network is robust enough to support the use of blockchain technology;*
  - (c) *A cost-benefit analysis of blockchain for each case is warranted to demonstrate its value, applicability, or efficiency; and*
  - (d) *If the parties involved in the blockchain would agree to its usage if deployed.*
- (4) *The workgroup shall consist of nine (9) members, three (3) of which shall be ex officio, as follows:*
  - (a) *The chief information officer for the Commonwealth Office of Technology or his or her designee who shall serve as chair;*
  - (b) *The secretary for the Energy and Environment Cabinet or his or her designee;*
  - (c) *The chief information officer for the Finance and Administration Cabinet or his or her designee;*
  - (d) *A representative designated by the executive director of the Kentucky Public Service Commission, who has knowledge of the spatial characteristics of the infrastructure used by public utilities;*
  - (e) *The executive director of Kentucky Department of Homeland Security or his or her designee;*
  - (f) *One (1) member in academia designated by the chief information officer of the Commonwealth Office of Technology, who has expertise in blockchain technology and its applicability to different industry sectors*
  - (g) *One (1) ex officio member representing the Kentucky Municipal Utilities Association (KMUA) designated by the executive director of KMUA;*
  - (h) *One (1) ex officio member representing the investor-owned electric utilities designated by the executive director of the Kentucky Public Service Commission; and*
  - (i) *One (1) ex officio member representing Kentucky electric cooperatives designated by the chairman of the board of the Kentucky Association of Electric Cooperatives.*
- (5) *The workgroup shall be staffed by the Commonwealth Office of Technology.*
- (6) *The workgroup shall report to the Governor and to the Legislative Research Commission by December 1 of each year. The report shall include the current priority list and a discussion of whether blockchain could be deployed, and any associated cost-benefit analysis.*

Signed by Governor April 24, 2020.



## ( HB 361 )

AN ACT relating to prisoners and declaring an emergency.

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

➔Section 1. KRS 441.520 is amended to read as follows:

(1) *As used in this section:*

- (a) *"Originating jail" means a jail that has been ordered by the court to transfer prisoners to a receiving jail; and*
- (b) *"Receiving jail" means a jail that has been ordered by the court to receive prisoners from an originating jail.*

(2) (a) ~~If in any county there is no jail, or the jail is insecure, or~~ there is danger or probable danger that any or all ~~of the~~ *prisoners* ~~[persons]~~ confined in ~~a~~ *the* jail ~~under any order or process of a court, or held to answer any charge in a court,~~ will be removed from the jail by violence, the Circuit Judge shall **order the transfer of those prisoners** ~~[, by an order made of record, direct that any or all of such persons be transferred]~~ to the jail of the nearest county in which the jail is secure and **the prisoners** ~~[they]~~ can be safely kept. **The order shall include evidence of the danger or probable danger to the prisoners.** When any such order is made, and a copy ~~thereof~~ is **given** ~~[furnished]~~ to the jailer of the **receiving jail** ~~[county designated]~~, he **or she** shall receive all such prisoners. If ~~a~~ *the* Circuit Judge is not in the county, the order of transfer may be made by ~~a~~ *the* District Judge, who shall deliver the order, or a copy thereof, to the circuit clerk for revision by the Circuit Court.

- (b) *Except as provided in paragraph (a) of this subsection, before ordering the transfer of a prisoner from an originating jail to a receiving jail, a Circuit Judge shall receive a written agreement between the originating and receiving jails. The written agreement shall specify that the receiving jail has agreed to house the prisoner or prisoners and that the originating jail shall pay the prisoner's expenses in accordance with subsection (3)(a) and (b) of this section. If the Circuit Judge orders the transfer before receiving the written agreement, the receiving jail shall not be required to house the prisoner nor shall the receiving jail's jailer be subject to contempt for failing to obey the transfer order.*

(3) *In the event a prisoner is transferred from an originating jail to a receiving jail, the receiving jail shall:*

- (a) *Charge no more than three (3) times the per diem amount determined according to KRS 431.215(2). However, the per diem rate charged by the receiving jail shall not exceed the combined cost of the prisoner's room and board, administrative processing or booking, and any evidence-based programming the prisoner receives;*
- (b) *Perform only medically necessary procedures on the prisoners, as determined by the receiving jail's medical provider. The originating jail shall be financially responsible for these medically necessary procedures. If a prisoner is sent out of the receiving jail for more than eight (8) hours for a medically necessary procedure, the originating jail shall be financially responsible for all receiving jail personnel costs related to the prisoner's transportation until the prisoner is returned to the receiving jail; and*
- (c) *Be no more than two (2) geographically contiguous judicial districts away from the originating jail.*

(4) *The sheriff of the county of the originating jail shall be responsible for the transportation of any prisoners transferred pursuant to this section. For those prisoners transferred pursuant to subsection (2)(a) of this section, the sheriff shall transfer the prisoners in accordance with subsection (2)(a) of Section 2 of this Act.*

(5) *To ensure the ongoing safety and security of the prisoners, any Circuit Judge who orders the transfer of a prisoner from an originating jail to a receiving jail shall review his or her transfer orders every sixty (60) days, with input from the originating and receiving jails.*

➔Section 2. KRS 441.530 is amended to read as follows:

(1) *As used in this section, "receiving jail" means a jail that has been ordered by the court to receive prisoners.*

- (2) (a) Immediately upon the receipt of a copy of an order made pursuant to KRS 441.520(2)(a), the sheriff, or if there is no sheriff, the coroner, shall transfer the prisoners to the **receiving jail** ~~[of the county designated in the order]~~. He **or she** shall deliver the prisoners to the jailer of **the receiving jail** ~~[that~~

~~county at the jail~~, with a copy of the order, and take from him *or her* a receipt for the prisoners, which he *or she* shall return to the office of the circuit clerk of the county from which the removal was made. The clerk shall file the receipt in his *or her* office.

- (b) The *receiving jail*~~jailer~~ shall receive the prisoners and safely keep them until they are properly discharged. If the *receiving jail's* jailer fails to accept and keep such prisoners, ~~that jailer~~~~he~~ and his *or her* sureties shall be liable in the same manner and to the same extent as if the prisoners had been regularly committed by an order of the Circuit Court of his *or her* county.
- (3) (a) The ~~sheriff~~~~officer~~ conveying the prisoners to the *receiving*~~designated~~ jail, and such guards as the judge directs him to take, not exceeding the number of guards allowed in taking convicts to the penitentiary, shall receive the compensation and mileage allowed by KRS 64.070 for taking convicts to the penitentiary. The compensation shall be allowed by the Circuit Judge directing the transfer and paid out of the State Treasury, unless there was no jail in the county or it was rendered insecure by the failure of the fiscal court to keep it in the requisite condition, in which case it shall be paid *in accordance with paragraph (b) of this subsection*~~by the fiscal court of the county~~. The Circuit Judge, in making the allowance, shall state in the order out of which fund it shall be paid. The order of the judge directing the transfer shall be conclusive evidence that the transfer was proper and to the right jail, and shall be a justification to the *receiving jail's* jailer for holding any such prisoner in any action against him for false imprisonment.
- ~~(b)(2)~~ If a transfer of prisoners is necessary because there is no jail in the county or because the jail was rendered insecure by the failure of the fiscal court to keep it in the requisite condition, the cost of lodging the prisoners in the *receiving jail*~~of the county to which they are transferred~~ shall be borne by the fiscal court of the county from which the transfer was made at a rate set by agreement between the two (2) fiscal courts involved. If the fiscal courts are unable to reach an agreement, the Circuit Judge who ordered the transfer shall establish the rate based on prisoner and facility cost data provided by the receiving *jail's* jailer. The order of transfer shall state the reasons of the transfer.

➔Section 3. KRS 532.100 is amended to read as follows:

- (1) *As used in this section, "jail" means a "jail" or "regional jail" as defined in KRS 441.005.*
- (2) When an indeterminate term of imprisonment is imposed, the court shall commit the defendant to the custody of the Department of Corrections for the term of his *or her* sentence and until released in accordance with the law.
- ~~(3)(2)~~ When a definite term of imprisonment is imposed, the court shall commit the defendant to ~~a~~~~the~~ *jail*~~county or city correctional institution or to a regional correctional institution~~ for the term of his *or her* sentence and until released in accordance with the law.
- ~~(4)(3)~~ When a sentence of death is imposed, the court shall commit the defendant to the custody of the Department of Corrections with directions that the sentence be carried out according to law.
- ~~(5)(4)~~
  - (a) The provisions of KRS 500.080(5) notwithstanding, if a Class D felon is sentenced to an indeterminate term of imprisonment of five (5) years or less, he *or she* shall serve that term in a ~~county~~ jail in a county in which the fiscal court has agreed to house state prisoners; except that, when an indeterminate sentence of two (2) years or more is imposed on a Class D felon convicted of a sexual offense enumerated in KRS 197.410(1), or a crime under KRS 17.510(11) or (12), the sentence shall be served in a state institution. Counties choosing not to comply with the provisions of this paragraph shall be granted a waiver by the commissioner of the Department of Corrections.
  - (b) The provisions of KRS 500.080(5) notwithstanding, a Class D felon who received a sentence of more than five (5) years for nonviolent, nonsexual offenses, but who currently has less than five (5) years remaining to be served, may serve the remainder of his or her term in a ~~county~~ jail in a county in which the fiscal court has agreed to house state prisoners.
  - (c) 1. The provisions of KRS 500.080(5) notwithstanding, and except as provided in subparagraph 2. of this paragraph, a Class C or D felon with a sentence of more than five (5) years who is classified by the Department of Corrections as community custody shall serve that term in a ~~county~~ jail in a county in which the fiscal court has agreed to house state prisoners if:
    - a. Beds are available in the ~~county~~ jail;
    - b. State facilities are at capacity; and

- c. Halfway house beds are being utilized at the contract level as of July 15, 2000.
- 2. When an indeterminate sentence of two (2) years or more is imposed on a felon convicted of a sex crime, as defined in KRS 17.500, or any similar offense in another jurisdiction, the sentence shall be served in a state institution.
- 3. Counties choosing not to comply with the provisions of this paragraph shall be granted a waiver by the commissioner of the Department of Corrections.
- (d) Any jail that houses state inmates under this subsection shall offer programs as recommended by the Jail Standards Commission. The Department of Corrections shall adopt the recommendations of the Jail Standards Commission and promulgate administrative regulations establishing required programs for a jail that houses state inmates under this subsection. *The Department of Corrections shall approve programming offered by jails to state inmates for sentencing credits in accordance with KRS 197.045.*
- (e) Before housing any female state inmate, a ~~county~~ jail shall be certified pursuant to KRS 197.020.
- (f)
  - 1.
    - a. *If a jail is at or over one hundred fifty percent (150%) capacity, the Department of Corrections may direct the jail to transfer a specified number of state prisoners to vacant beds at other designated jails or state institutions. As used in this paragraph, "capacity" means the capacity listed on the certificate of occupancy issued each year to the jail by the Department of Corrections.*
    - b. *The Department of Corrections shall choose which state prisoners are eligible for transfer based on the security level of the vacant bed at the receiving jail or state institution.*
    - c. *State prisoners who are approved for transfer to a Department of Corrections facility for necessary medical treatment and care pursuant to KRS 441.560 shall not be transferred to another jail.*
    - d. *State prisoners enrolled in a Department of Corrections approved program pursuant to KRS 197.045 shall not be transferred.*
    - e. *State prisoners awaiting trial in the county they are being housed shall not be transferred.*
    - f. *Jails that receive state prisoners pursuant to this subparagraph shall be responsible for the transportation of those prisoners to the jail.*
  - 2. *If the Department of Corrections directs the transfer of a state prisoner pursuant to subparagraph 1. of this paragraph, the jailer has fourteen (14) days to transfer the state prisoner. If the jailer refuses to release custody of the state prisoner to the receiving jail within fourteen (14) days, the department shall reduce the per diem for the jail for an amount equal to the per diem of that prisoner for each day the jailer refuses to comply with the direction.*
  - 3. *If the Department of Corrections directs the transfer of a state prisoner pursuant to subparagraph 1. of this paragraph, the jailer of the receiving jail shall accept the transfer and transport the state prisoner in accordance with subparagraph 1.f. of this paragraph. If, after receiving a copy of the direction, the jailer refuses to accept and transport the state prisoner, the Department of Corrections shall reduce the per diem for the receiving jail for an amount equal to the per diem of that prisoner for each day the jailer refuses to comply with the direction.*
  - 4. *If a jail has a vacant bed and has a Class C or Class D felon who, based on the Department of Corrections classification system, is eligible to be housed in that vacant bed, the department may direct the jail to transfer the state prisoner to that bed. If the jailer refuses to transfer the state prisoner to the vacant bed, the Department of Corrections shall reduce the per diem for the jail for an amount equal to the per diem of that prisoner for each day the jailer refuses to comply with the direction.*
  - 5. *The per diem reduced pursuant to subparagraphs 2., 3., or 4. of this paragraph shall be enforced by withholding the amount from the per diem paid to the jail pursuant to KRS 431.215(2).*

6. *If a jail that is at or over one hundred fifty percent (150%) capacity requests the transfer of a specified number of state prisoners, the Department of Corrections may, if vacant beds are available at other jails, direct the transfer in accordance with subparagraph 1. of this paragraph.*

(g) *If a jail has vacant beds in an area of the jail usually reserved for state prisoners, the jail may house county prisoners in that area.*

~~(6)(5)~~ The jailer of a county in which a Class D felon or a Class C felon is incarcerated may request the commissioner of the Department of Corrections to incarcerate the felon in a state corrections institution if the jailer has reasons to believe that the felon is an escape risk, a danger to himself *or herself* or other inmates, an extreme security risk, or needs protective custody beyond that which can be provided in a ~~county~~ jail. The commissioner of the Department of Corrections shall evaluate the request and transfer the inmate if he deems it necessary. If the commissioner refuses to accept the felon inmate, and the Circuit Judge of the county that has jurisdiction of the offense charged is of the opinion that the felon cannot be safely kept in a ~~county~~ jail, the Circuit Judge, with the consent of the Governor, may order the felon transferred to the custody of the Department of Corrections.

~~(7)(6)~~ Class D felons and Class C felons serving their time in a ~~local~~ jail shall be considered state prisoners, and, *except as provided in subsection (5)(f) of this section*, the Department of Corrections shall pay the jail in which the prisoner is incarcerated a per diem amount determined according to KRS 431.215(2). For other state prisoners and parole violator prisoners, the per diem payments shall also begin on the date prescribed in KRS 431.215(2), *except as provided in subsection (5)(f) of this section*.

~~(8)(7)~~ State prisoners, excluding the Class D felons and Class C felons qualifying to serve time in ~~county~~ jails, shall be transferred to the state institution within forty-five (45) days of final sentencing.

~~(9)(8)~~ (a) Class D felons eligible for placement in a ~~local~~ jail may be permitted by the warden or jailer to participate in any approved community work program or other form of work release with the approval of the commissioner of the Department of Corrections.

(b) The authority to release an inmate to work under this subsection may be exercised at any time during the inmate's sentence, including the period when the court has concurrent authority to permit work release pursuant to KRS 439.265.

(c) The warden or jailer may require an inmate participating in the program to pay a fee to reimburse the warden or jailer for the cost of operating the community work program or any other work release program. The fee shall not exceed the lesser of fifty-five dollars (\$55) per week or twenty percent (20%) of the prisoner's weekly net pay earned from the community work program or work release participation. In addition, the inmate may be required to pay for any drug testing performed on the inmate as a requirement of the community work program or work release participation.

(d) This subsection shall not apply to an inmate who:

1. Is not eligible for work release pursuant to KRS 197.140;
2. Has a maximum or close security classification as defined by administrative regulations promulgated by the Department of Corrections;
3. Is subject to the provisions of KRS 532.043; or
4. Is in a reentry center as defined in KRS 441.005.

➔Section 4. KRS 197.020 is amended to read as follows:

(1) The Department of Corrections shall:

(a) Promulgate administrative regulations for the government and discipline of the penitentiary, for the government and official conduct of all officials connected with the penitentiary, and for the government of the prisoners in their department and conduct;

(b) Promulgate administrative regulations for the character of food and diet of the prisoners; the preservation of the health of the prisoners; the daily cleansing of the penitentiary; the cleanliness of the persons of the prisoners; the general sanitary government of the penitentiary and prisoners; the character of the labor; the quantity of food and clothing; and the length of time during which the prisoners shall be employed daily;

- (c) Promulgate administrative regulations, as the department deems necessary, for the disposition of abandoned, lost, or confiscated property of prisoners;
  - (d) Promulgate administrative regulations for the administration of a validated risk and needs assessment to assess the criminal risk factors and correctional needs of all inmates upon commitment to the department;
  - (e) Promulgate administrative regulations to create a certification process for county jails that may house female state inmates. The administrative regulations shall include a requirement of a physical barrier between male and female inmates; and
  - (f) Cause the administrative regulations promulgated by the department, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places in the cell houses and workshops.
- (2) The department may impose a reasonable fee for the use of medical facilities by a prisoner who has the ability to pay for the medical and dental care. These funds may be deducted from the prisoner's inmate account. A prisoner shall not be denied medical or dental treatment because he has insufficient funds in his inmate account.
  - (3) The department may promulgate administrative regulations in accordance with KRS Chapter 13A to implement a program that provides for reimbursement of telehealth consultations.
  - (4) Fees for the use of medical facilities by a state prisoner who is confined in a ~~county~~ jail pursuant to KRS 532.100 or other statute shall be governed by KRS 441.045.

➔Section 5. KRS 439.3407 is amended to read as follows:

- (1) The department may promulgate administrative regulations to implement conditional parole of state inmates incarcerated in state corrections institutions or local correctional facilities or county jails to place those individuals closer to their communities prior to release. A parolee placed on conditional parole shall serve that term in a local correctional facility or county jail or reentry center in a county in which the fiscal court has agreed to house parolees if beds are available in the local correctional facility or county jail or reentry center.
- (2) The department may authorize parolees on conditional parole to be placed on work release. If a person placed in a county jail on conditional parole under subsection (1) of this section is granted work release, he or she shall pay the work release fees required by law to the jailer. The amount of work release fees paid by a parolee shall be deducted from the amount which the Department of Corrections shall pay for the placement of that parolee.
- (3) Local correctional facilities or county jails housing parolees under subsection (1) of this section shall have the same rights and obligations as ~~county~~ jails housing felons pursuant to KRS 532.100.
- (4) Administrative regulations promulgated pursuant to subsection (1) of this section relating to eligibility of an individual for conditional parole shall take into consideration, at a minimum, the following information about the individual:
  - (a) The offense for which the individual was convicted and his or her rehabilitation efforts while incarcerated;
  - (b) The security classification while incarcerated in the state correctional institution;
  - (c) Conduct while incarcerated in the state correctional institution;
  - (d) Ability to find employment in the community; and
  - (e) The availability of additional applicable education, treatment or intervention, and training for employment in the local correctional facility or county jail, if needed by the individual.

➔Section 6. KRS 441.005 is amended to read as follows:

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

- (1) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any political subdivision;
- (2) "Holdover" means any jail housing prisoners for a maximum period of ninety-six (96) continuous hours and excluding times when a prisoner is released for a minimum of seven (7) hours for the purpose of working at

his employment, attending an educational institution, or conducting other business pursuant to a court order, or when a prisoner is released for in court proceedings;

- (3) "Prisoner" means any person confined in jail pursuant to any code, ordinance, law, or statute of any unit of government and who is:
  - (a) Charged with or convicted of an offense; or
  - (b) Held for extradition or as a material witness; or
  - (c) Confined for any other reason;
- (4) "Unit of government" means that unit of government including the United States government whose law, statute, ordinance, or code a prisoner is charged with violating. If a person is imprisoned for contempt of court, the state shall be deemed the responsible unit of government;
- (5) "Department" means the Department of Corrections;
- (6) "Jail personnel" means deputy jailers, matrons, cooks, and other food service personnel, and other jail employees involved in the supervision, custody, care, or treatment of prisoners in jails but does not include maintenance or clerical personnel;
- (7) "Regional jail" means a jail ~~that may house prisoners for up to one (1) year and~~ which is:
  - (a) Owned and operated by one (1) county and, on a regular basis, holds prisoners for another county or for the state; or
  - (b) Owned and operated by two (2) or more counties through a regional jail authority as provided in KRS 441.800;
- (8) "Commissioner" means the commissioner of the Department of Corrections; and
- (9) "Reentry center" means a supervised community residential facility operated by a local correctional facility, county jail, or regional jail as detailed in KRS 441.146.

➔Section 7. KRS 441.045 is amended to read as follows:

- (1) The county governing body shall prescribe rules for the government, security, safety, and cleanliness of the jail and the comfort and treatment of prisoners, provided such rules are consistent with state law. The county judge/executive may inspect the jail at any reasonable time.
- (2) Willful violation of the rules promulgated pursuant to subsection (1) of this section shall be deemed a violation.
- (3) Except as provided in subsections (4) and (5) of this section, the cost of providing necessary medical, dental, and psychological care for indigent prisoners in the jail shall be paid from the jail budget.
- (4) The cost of providing necessary medical, dental, or psychological care for prisoners of the United States government shall be paid as provided by contract between the United States government and the county or as may otherwise be provided by federal law.
- (5)
  - (a) The cost of providing necessary medical, dental, or psychological care, beyond routine care and diagnostic services, for prisoners held pursuant to a contractual agreement with the state shall be paid as provided by contract between the state and county. The costs of necessary medical, dental, or psychological care, beyond routine care and diagnostic services, of prisoners held in the jail for which the county receives a per diem payment shall be paid by the state.
  - (b) To the extent that federal law allows and federal financial participation is available, for the limited purpose of implementing this section, the jail, the department, or the department's designee is authorized to act on behalf of an inmate for purposes of applying for Medicaid eligibility.
- (6) The cost of providing necessary medical, dental, or psychological care for prisoners held pursuant to a contractual agreement with another county or a city shall be paid as provided by contract between the county or city and county.
- (7)
  - (a) When the cost of necessary medical, dental, or psychological care for a prisoner exceeds one thousand dollars (\$1,000), as calculated by using the maximum allowable costs to similar persons or facilities for the same or similar services under the Kentucky Medical Assistance Program, the state shall reimburse

the county for that portion of the costs that exceeds one thousand dollars (\$1,000). The reimbursement shall be subject to the following terms and conditions:

1. The care is necessary as defined in subsection (10) of this section;
  2. The prisoner is indigent as defined in subsection (8) of this section, or is uninsured; and
  3. No state reimbursement to the county for care provided by physicians, hospitals, laboratories, or other health care providers shall exceed the maximum payments allowed to similar persons or facilities for the same or similar services under the Kentucky Medical Assistance Program, except as provided in subsection (11) of this section.
- (b) A county may assign its ability to receive payment from the state under this subsection to the person providing the medical, dental, or psychological care to the prisoner, which assignment shall be accepted by the provider for the purposes of submitting billing directly to the state. The state shall pay or deny a claim submitted to it within ninety (90) days of receiving the claim. The county shall include with the assignment the information required by subsection (8) of this section necessary to qualify the prisoner as indigent. The provider shall bill for any other public or private health benefit plan or health insurance benefits available to the prisoner prior to billing the state under this subsection, and shall bill the state prior to billing the county. The county shall retain ultimate payment responsibility as established under subsection (3) of this section, and the provider may bill the county for payment after the expiration of ninety (90) days from the date the provider submitted the claim to the state for payment if the claim remains unpaid at that time.
- (8) (a) The determination of whether a prisoner is indigent shall be made pursuant to KRS 31.120, and may be evidenced by the affidavit of indigency required by that statute or the appointment of a public defender under that statute. The prisoner shall not be considered indigent, in the case of prisoner medical care, if:
1. The prisoner has funds on his inmate account to cover all or a portion of his medical expenses;
  2. The prisoner's medical expenses are covered on a medical insurance policy; or
  3. The prisoner has the private resources to pay for the use of the medical facilities.
- (b) Prisoners who are later determined not to have been indigent, or who at a time following treatment are no longer indigent, shall be required to repay the costs of payments made pursuant to this section to the unit of government which made the payment.
- (9) The terms and conditions relating to any determination of nonindigency and demands for repayment shall be under the same terms and conditions as are provided under KRS Chapters 31 and 431 relating to similar circumstances in the program for defense of indigents by the public advocate.
- (10) For the purposes of this section, "necessary care" means care of a nonelective nature that cannot be postponed until after the period of confinement without hazard to the life or health of the prisoner.
- (11) Any money appropriated for a given fiscal year to fund the state's obligation under subsection (7) of this section which remains unspent at the end of the year shall not lapse but shall be made available to satisfy, to the maximum extent possible, that portion of each catastrophic claim made during said year above the threshold amount for which the county did not receive state assistance pursuant to subsection (7) of this section. In the event there is an insufficient surplus to satisfy said balance of all such catastrophic claims which are made during that year, the state shall pay to those qualified counties, on a per claim basis, an amount equal to each claim's percentage of the total surplus. Should the surplus be sufficient to satisfy all such catastrophic claims, the amount remaining, if any, shall not lapse but shall be carried forward to the next fiscal year to be made available for future catastrophic claims.
- (12) Notwithstanding other provisions of this section to the contrary, a jail may impose a reasonable fee for the use of jail medical facilities by a prisoner who has the ability to pay for the medical care. These funds may be deducted from the prisoner's inmate account. A prisoner shall not be denied medical treatment because he has insufficient funds on his inmate account. This subsection shall not preclude other recovery of funds as provided in this section.
- (13) (a) Notwithstanding any other provision of this section to the contrary, a jail may impose a reasonable fee for the use of jail medical facilities by a state prisoner who has been placed in a ~~local~~ jail pursuant to a contract with the Department of Corrections under KRS 532.100 or other statute, and who has the ability to pay for medical care.

- (b) Funds may be deducted from the state prisoner's inmate account at the jail.
  - (c) A state prisoner shall not be denied medical treatment because he or she has insufficient funds in his or her inmate account.
  - (d) This subsection shall not preclude other recovery of funds as provided in this section.
  - (e) This subsection does not authorize recovery of funds from a prisoner for medical care which has been paid or reimbursed by the state pursuant to this section.
- (14) Except as provided in subsection (4) of this section, all payments for necessary medical, dental, or psychological care for jail, regional jail, or holdover prisoners shall be made at a rate not to exceed the Medicaid rate for the same or similar services, which shall be paid within thirty (30) days under the provisions of KRS 65.140 of receiving a claim from the health facility or provider for the item or service. This subsection shall not obligate the Medicaid program to pay for services provided to a prisoner.
- (15) (a) A peace officer or correctional officer having custody of a person shall not release the person from custody so that the person may receive treatment from a health care facility or health care provider, except pursuant to an order issued by a court of competent jurisdiction which specifically names the person to receive treatment.
- (b) A peace officer or correctional officer having custody of a person may take the person to a health care facility or health care provider for the purpose of receiving treatment if a correctional officer remains with the person during the time the person is on the premises of the health care facility or health care provider, unless the facility or provider consents to the absence of the officer.
- (c) A county, urban-county, consolidated local government, charter county, unified local government, jail, regional jail, holdover, local detention center, or other local correctional facility shall not be responsible for paying for the medical or other health care costs of a person who is released by a court of competent jurisdiction, except where the release is for the purpose of receiving medical or other health care services as evidenced by an order requiring the person to return to custody upon completion of treatment.
- (d) When a county, urban-county, consolidated local government, charter county, unified local government, jail, regional jail, holdover, local detention center, or other local correctional facility is responsible for paying for medical or other health care costs under paragraph (c) of this subsection, payment shall be made only at the Medicaid rate for same or similar services.
- (e) For the purposes of this subsection, "correctional officer" includes a:
- 1. Jailer or deputy jailer;
  - 2. Director or other person in charge of a local detention center, local correctional facility, or regional jail; and
  - 3. Correctional officer employed by a local detention center, local correctional facility, or regional jail.

➔Section 8. KRS 441.146 is amended to read as follows:

- (1) A local correctional facility, ~~county jail~~, or regional jail may, with the approval of the Department of Corrections, operate a reentry center. Reentry centers established pursuant to this section shall:
- (a) Employ a program coordinator responsible for oversight of the reentry center;
  - (b) Offer residents at least one (1) vocational training program approved by the Department of Corrections;
  - (c) Offer residents at least two (2) other evidence-based programs approved by the Department of Corrections;
  - (d) Review each participant's case with a certified alcohol and drug counselor as defined in KRS 309.080;
  - (e) Require residents to participate in family outreach and community involvement programs;
  - (f) Require residents to seek or maintain employment in the community. The reentry center shall require ten percent (10%) of the resident's income to be deposited into a savings account, shall require fifteen percent (15%) of the resident's income to be directed to payment of restitution if applicable, and may charge each resident a fee of not more than twenty percent (20%) of the resident's income; and



- (g) Report data as required by the Department of Corrections in order to allow evaluation of the effectiveness of the reentry center.
- (2) A person is eligible for placement in a reentry center if he or she has less than twelve (12) months until the expected expiration of his or her sentence and is:
  - (a) A state inmate eligible for placement in a ~~local~~ jail pursuant to KRS 532.100;
  - (b) A Class B felon who is classified as low risk by the Department of Corrections; or
  - (c) A county inmate in the jail operated by the political subdivision which operates the reentry center.
- (3) Residents may be assigned to a reentry center by:
  - (a) Administrative classification by the Department of Corrections;
  - (b) Administrative decision of the jailer for inmates of the jail;
  - (c) The court, as an alternative sentence; or
  - (d) The Parole Board, as a condition of parole or as a sanction for violation of conditions of parole.

➔Section 9. KRS 533.025 is amended to read as follows:

- (1) When a person is convicted of, pleads guilty to, or enters an Alford plea to a felony offense and is sentenced to jail as a condition of conditional discharge or as a condition of probation, the Department of Corrections shall pay for the incarceration of that person in a ~~county~~ jail at the same rate and under the same conditions as for a Class D felon who is incarcerated in the ~~county~~ jail under KRS 532.100.
- (2) If a person incarcerated in a ~~county~~ jail on conditional discharge or probation under subsection (1) of this section is granted work release, he shall pay the work release fees required by law to the jailer. The amount of work release fees paid by a prisoner shall be deducted from the amount which the Department of Corrections shall pay for the incarceration of that prisoner.
- (3) The Department of Corrections may, during the prisoner's period of incarceration in the ~~county~~ jail, take custody of the prisoner and hold that person in a state prison facility for the purpose of treating the following medical conditions:
  - (a) Chronic heart and lung conditions;
  - (b) Psychiatric conditions;
  - (c) Acute medical conditions that require diagnostic testing or hospitalization;
  - (d) Acute surgical conditions;
  - (e) Pregnancy; or
  - (f) Any other medical condition which the Department of Corrections may set out by administrative regulation.

➔Section 10. The Legislative Research Commission shall establish the Jail and Corrections Reform Task Force to study:

- (1) Existing jail and correctional facilities;
- (2) Possible realignment and closure of jail and correctional facilities;
- (3) Adequacy of existing jail and correctional facilities;
- (4) Management of Kentucky's incarcerated population;
- (5) Personnel and other costs associated with jail and correctional facilities;
- (6) Pretrial and post-conviction incarceration data from the Administrative Office of the Courts, the Department of Corrections, and jails;
- (7) Pretrial defendants, including a breakdown by jurisdiction of the financial conditions of release and charged offenses for those defendants; and
- (8) Number of supervised individuals incarcerated on new charges versus those incarcerated due to revocation.

➔Section 11. The Jail and Corrections Reform Task Force shall be composed of the following members with final membership of the task force being subject to consideration and approval of the Legislative Research Commission:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker of the House of Representatives as a co-chair of the task force;

(2) Three members of the Senate appointed by the President of the Senate, one of whom shall be designated by the President of the Senate as a co-chair of the task force;

(3) One designee of the Governor;

(4) One designee of the secretary of the Justice and Public Safety Cabinet; and

(5) One designee from the Kentucky Jailers Association.

➔Section 12. The Jail and Corrections Reform Task Force shall meet monthly during the 2020 Interim of the General Assembly. The task force shall submit findings and recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by December 1, 2020.

➔Section 13. Provisions of Sections 10 to 12 of this Act 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.

➔Section 14. Sections 10 to 13 of this Act shall have the same legal status as a House Concurrent Resolution.

➔Section 15. Whereas the Department of Corrections has failed to transfer state prisoners from jails on a timely basis, 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 24, 2020.**

## CHAPTER 110

### ( HB 8 )

AN ACT relating to ground ambulance service providers and making an appropriation therefor.

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

➔Section 1. KRS 142.301 is amended to read as follows:

As used in KRS 142.301 to 142.363:

(1) *"Ground ambulance provider" means a Class I, II, or III ground ambulance provider described in KRS 311A.030;*

(2) *"Assessment" means the Medicaid ambulance service provider assessment established in Section 2 of this Act;*

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

(4)~~(2)~~ "Charitable provider" means any provider which does not charge its patients for health-care items or services, and which does not seek or accept Medicare, Medicaid, or other financial support from the federal government or any state government. The collaboration with public hospitals, agencies, or other providers in the delivery of patient care; affiliation with public institutions to provide health-care education; or the pursuit of research in cooperation with public institutions or agencies shall not be considered as the receipt of government support by a charitable provider;

(5)~~(3)~~ "Dispensing" means to deliver one (1) or more doses of a prescription drug in a suitable container, appropriately labeled for subsequent administration or use by a patient or other individual entitled to receive the prescription drug;

- ~~(6)~~~~(4)~~ "Entity" means any firm, partnership, joint venture, association, corporation, company, joint stock association, trust, business trust, syndicate, cooperative, or other group or combination acting as a unit;
- ~~(7)~~~~(5)~~ "Gross revenues" means the total amount received in money or otherwise by a provider for the provision of health-care items or services in Kentucky, less the following:
- (a) Amounts received by any provider as an employee or independent contractor from another provider for the provision of health-care items or services if:
    - 1. The employing or contracting provider receives revenue attributable to health-care items or services provided by the employee or independent contractor receiving payment; and
    - 2. The employing or contracting provider is subject to the tax imposed by KRS 142.303, 142.307, 142.309, 142.311, 142.314, 142.315, 142.316, 142.361, or 142.363 on the receipt of that revenue;
  - (b) Amounts received as a grant or donation by any provider from federal, state, or local government or from an organization recognized as exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code for:
    - 1. Research; or
    - 2. Administrative or operating costs associated with the implementation and operation of an experimental program;
  - (c) Salaries or wages received by an individual provider as an employee of a charitable provider, the federal government, or any state or local governmental entity;
  - (d) Salaries or wages received by an individual provider as an employee of a public university for the provision of services at a student health facility; and
  - (e) Amounts received by an HMO on a fixed, prepayment basis as premium payments.
- ~~(8)~~~~(6)~~ "Health-care items or services" means:
- (a) Inpatient hospital services;
  - (b) Outpatient hospital services;
  - (c) Nursing-facility services;
  - (d) Services of intermediate-care facilities for individuals with intellectual disabilities;
  - (e) Physicians' services provided prior to July 1, 1999;
  - (f) Licensed home-health-care-agency services;
  - (g) Outpatient prescription drugs;
  - (h) HMO services;
  - (i) Regional community services for mental health and individuals with intellectual disabilities;
  - (j) Psychiatric residential treatment facility services;
  - (k) Medicaid managed care organization services; and
  - (l) Supports for community living waiver program services;
- ~~(9)~~~~(7)~~ "Health-maintenance organization" or "HMO" means an organization established and operated pursuant to the provisions of Subtitle 38 of KRS Chapter 304;
- ~~(10)~~~~(8)~~ "Hospital" means an acute-care, rehabilitation, or psychiatric hospital licensed under KRS Chapter 216B;
- ~~(11)~~~~(9)~~ "Hospital services" means all inpatient and outpatient services provided by a hospital. "Hospital services" does not include services provided by a noncontracted, university-operated hospital, or any freestanding psychiatric hospital, if necessary waivers are obtained by the Cabinet for Human Resources, Cabinet for Health Services, or Cabinet for Health and Family Services from the Health Care Financing Administration or Centers for Medicare and Medicaid Services, or hospitals operated by the federal government;

- (12)~~(10)~~ "Health and family services secretary" means the secretary of the Cabinet for Health and Family Services or that person's authorized representative;
- (13)~~(11)~~ "Inpatient hospital services," "outpatient hospital services," "intermediate-care-facility services for individuals with intellectual disabilities," "physician services," "licensed home-health-care-agency services," and "outpatient prescription drugs" have the same meaning as set forth in regulations promulgated by the Secretary of the Department of Health and Human Services and codified at 42 C.F.R. pt. 440, as in effect on December 31, 1993;
- (14)~~(12)~~ "Medicaid" means the state program of medical assistance as administered by the Cabinet for Health and Family Services in compliance with 42 U.S.C. sec. 1396;
- (15)~~(13)~~ "Nursing-facility services" means services provided by a licensed skilled-care facility, nursing facility, nursing home, or intermediate-care facility, excluding services provided by intermediate-care facilities for individuals with intellectual disabilities and services provided through licensed personal care beds;
- (16)~~(14)~~ "Person" means any individual, firm, partnership, joint venture, association, corporation, company, joint stock association, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit and the legal successor thereof;
- (17)~~(15)~~ "Provider" means any person receiving gross revenues for the provision of health-care items or services in Kentucky, excluding any facility operated by the federal government;
- (18)~~(16)~~ "Commissioner" means the commissioner of the Department of Revenue or that person's authorized representative;
- (19)~~(17)~~ "Total bed capacity" means the combination of licensed nursing home beds, licensed nursing facility beds, and licensed intermediate-care facility beds;
- (20)~~(18)~~ "Regional community services programs for mental health and individuals with an intellectual disability" means programs created under the provisions of KRS 210.370 to 210.480;
- (21)~~(19)~~ "Psychiatric residential treatment facility" has the same meaning as provided in KRS 216B.450; and
- (22)~~(20)~~ "Supports for Community Living Waiver Program" has the same meaning as provided in KRS 205.6317.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 142 IS CREATED TO READ AS FOLLOWS:

- (1) *A ground ambulance provider shall pay an assessment to the department in an amount established by the Department for Medicaid Services under Section 5 of this Act.*
- (2) *The payment of the assessment shall be made at the same time and in the same manner as in Section 3 of this Act.*
- (3)
  - (a) *In addition to any penalty assessed under KRS 131.180 and the interest assessed under KRS 131.183, the department, in coordination with the Cabinet for Health and Family Services, may require a ground ambulance provider that fails to pay an assessment required by this section to pay an additional penalty to the department.*
  - (b) *The department, in consultation with the Cabinet for Health and Family Services, may promulgate administrative regulations to establish the additional penalty.*
- (4) *The assessment shall not be implemented until after the Department for Medicaid Services receives notice of federal matching funds approval from the Centers for Medicare and Medicaid Services.*
- (5) *All assessments and all penalties and fees related to those assessments shall be deposited in the ambulance service assessment fund established in Section 6 of this Act.*
- (6) *A ground ambulance provider shall not increase charges or add a surcharge to ground transport fees based on, or as a result of, the assessment paid to the department.*

➔Section 3. KRS 142.323 is amended to read as follows:

The taxes *and assessment* imposed by KRS 142.303, 142.307, 142.309, 142.311, 142.314, 142.315, 142.316, *Section 2 of this Act*, 142.361, and 142.363 are due and payable to the department monthly and shall be remitted on or before the twentieth day of the next succeeding calendar month.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

*Upon approval by the Centers for Medicare and Medicaid Services of the assessment imposed under Section 2 of this Act for fee-for-service rates effective on or after July 1, 2020, the cabinet shall reimburse each ground ambulance provider that provided qualifying ground ambulance service transports during the relevant assessment period an amount not to exceed the emergency medical services ambulance rates adopted by the cabinet.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section and Sections 4 and 6 of this Act:*
  - (a) *"Ground ambulance provider" means a Class I, II, or III ground ambulance provider described in KRS 311A.030;*
  - (b) *"Assessment" means the Medicaid ambulance service provider assessment imposed in Section 2 of this Act;*
  - (c) *"Board" means the Kentucky Board of Emergency Medical Services;*
  - (d) *"Commissioner" means the commissioner of the Department for Medicaid Services; and*
  - (e) *"Department" means the Department for Medicaid Services.*
- (2) *The department shall:*
  - (a) *Promulgate administrative regulations to establish the standards and procedures necessary to implement the provisions of this section and Sections 4 and 6 of this Act;*
  - (b) *Calculate an assessment on emergency ground transport collections pursuant to subsection (3) of this section;*
  - (c) *Administer assessment proceeds according to subsection (6) of this section;*
  - (d) *Apply uniformly to all assessed ground ambulance providers any annual changes to the assessment rate according to the process described in subsection (3) of this section; and*
  - (e) *Evaluate current ground ambulance provider reimbursement rates paid by managed care organizations and require increases consistent with:*
    1. *Sections 4 and 5 of this Act;*
    2. *Current fee-for-service reimbursement rates; and*
    3. *An adequate network of ambulance service providers.*
- (3)
  - (a) *The assessment due from a ground ambulance provider on emergency ground transport collections shall be not less than one-half of one percent (0.5%) lower than the maximum limit for a provider assessment as approved by the Centers for Medicare and Medicaid Services.*
  - (b) *For illustrative purposes only, if the maximum limit for a provider assessment as approved by the Centers for Medicare and Medicaid Services is six percent (6%) of the emergency revenues collected by the ground ambulance provider, the minimum taxable limit under this section would be five and one-half percent (5.5%) of the emergency revenues collected.*
- (4) *The assessment shall not generate more than the maximum amount as approved by the Centers for Medicare and Medicaid Services.*
- (5)
  - (a)
    1. *Within ninety (90) days after the effective date of this Act, the commissioner shall determine whether a state plan amendment or an amendment to any Kentucky federal Medicaid waiver is required to implement this section.*
    2. *If the commissioner determines that a state plan amendment or an amendment to a Kentucky federal waiver is necessary, the commissioner is authorized to seek any necessary state plan or waiver amendment, and the assessment shall not take effect until the state plan or waiver amendment is approved.*
  - (b) *The assessment shall not be implemented until the first day of the calendar quarter after the Department for Medicaid Services receives notice of federal matching funds approval from the Centers for Medicare and Medicaid Services and has notified the Department of Revenue of that approval.*

- (c) *The commissioner shall implement this section to the extent that it is not inconsistent with the state Medicaid plan or any Kentucky federal Medicaid waivers.*
- (d) *Payments to ground ambulance providers shall begin within ninety (90) days of the later of the approval of federal matching funds, the state plan, or waiver amendment. The first monthly assessment payment shall be due sixty (60) days after the implementation of the enhanced fee schedule.*
- (6) *The assessment shall be administered as follows:*
  - (a) *An annual amount of two hundred thousand dollars (\$200,000) shall be returned to the department to offset the Medicaid administration expenses;*
  - (b) *The remaining portion of the assessment shall:*
    - 1. *Be utilized to increase the rates paid by a managed care organization for emergency ambulance services up to the amount paid by the fee-for-service Medicaid program for emergency ambulance services; or*
    - 2. *Be paid as supplemental payments to ground ambulance providers in a proportional amount according to the total Medicaid ambulance transports; and*
  - (c) *If any funds are remaining after the department's duties have been completed under paragraph (b) of this subsection, the remaining funds shall be utilized by the department to increase non-emergency medical transport rates.*
- (7) *Each ground ambulance provider shall report to the board, at the time and in the manner required by the board, ground emergency revenue collected to accomplish the purposes of this section and Section 6 of this Act.*
- (8) (a) *No more than one hundred eighty (180) days after the end of each calendar year, the board shall submit to the cabinet transport data for all ground ambulance providers licensed in Kentucky.*
  - (b) *The data required by paragraph (a) of this subsection shall, at a minimum, include the number of emergency ground transports completed during the previous calendar year and the emergency revenue collected.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *There is established in the State Treasury the ambulance service assessment fund for the purpose of depositing assessments imposed under Section 2 of this Act.*
- (2) *The fund shall consist of the assessments and any related penalties collected by the Department of Revenue, donations made to the fund from private sources, and appropriations made by the General Assembly.*
- (3) *Moneys deposited into the fund are appropriated for the purpose of administering Section 5 of this Act and shall be transferred to the Department for Medicaid Services on a monthly basis for that purpose.*
- (4) *Moneys in the fund shall not be diverted to the general fund or any other public fund. Moneys in the fund may only be used to:*
  - (a) *Increase fee-for-service rates for ground ambulance services above those in effect on the effective date of this Act;*
  - (b) *Reimburse money to a ground ambulance provider that is erroneously collected from that provider; or*
  - (c) *Reimburse the cabinet in the amount of two hundred thousand dollars (\$200,000) annually for the purpose of administrative expenses.*
- (5) *If Section 5 of this Act is rendered invalid and void:*
  - (a) *To the extent that federal matching funds are not reduced due to the impermissibility of the assessments, the cabinet shall disburse the moneys remaining in the fund that were derived from the assessment imposed by Section 2 of this Act pursuant to subsection (4) of this section; and*
  - (b) *Following disbursement of moneys in the fund pursuant to paragraph (a) of this subsection, the cabinet shall refund any remaining moneys to each ground ambulance provider in proportion to the amount paid by each provider during the most recently completed quarterly payment period.*

- (6) *Notwithstanding KRS 45.229, moneys in the fund not expended at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- (7) *Any interest earnings of the trust fund shall become part of the fund and shall not lapse.*
- (8) *Moneys transferred to this fund are hereby appropriated for the purposes set forth in this section.*

**Signed by Governor April 24, 2020.**

## CHAPTER 111

### ( SB 115 )

AN ACT relating to the tuition waiver for Kentucky foster or adopted children.

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

➔Section 1. KRS 164.2847 is amended to read as follows:

- (1) Tuition and mandatory student fees for any undergraduate *or graduate* program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Kentucky foster or adopted child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution, and if:
  - (a) The student's family receives state-funded adoption assistance under KRS 199.555;
  - (b) The student is currently committed to the Cabinet for Health and Family Services under KRS 610.010(5) and placed in a family foster home or is placed in accordance with KRS 605.090(3);
  - (c) The student is in an independent living program and the placement is funded by the Cabinet for Health and Family Services;
  - (d) The student who is an adopted child was in the permanent legal custody of and placed for adoption by the Cabinet for Health and Family Services. A student who meets the eligibility criteria of this paragraph and lives outside of Kentucky at the time of application to a Kentucky postsecondary institution may apply for the waiver up to the amount of tuition for a Kentucky resident; or
  - (e) The Cabinet for Health and Family Services was the student's legal custodian on his or her eighteenth birthday.
- (2) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Department of Juvenile Justice foster child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution and obtains a recommendation for participation from an official from the Department of Juvenile Justice, and if:
  - (a) The student has not been sentenced to the Department of Juvenile Justice under KRS Chapter 640;
  - (b) The student has been committed to the Department of Juvenile Justice for a period of at least twelve (12) months;
  - (c) The student is in an independent living program and placement is funded by the Department of Juvenile Justice;
  - (d) The parental rights of the student's biological parents have been terminated; or
  - (e) The student was committed to the Cabinet for Health and Family Services prior to a commitment to the Department of Juvenile Justice.
- (3) Upon request of the postsecondary institution, the Cabinet for Health and Family Services shall confirm the eligibility status under subsection (1) of this section and the Department of Juvenile Justice shall confirm the eligibility status and recommendations under subsection (2) of this section of the student seeking to participate

in the waiver program. Release of this information shall not constitute a breach of confidentiality required by KRS 199.570, 610.320, or 620.050.

- (4) The student shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. If the sum of the tuition waiver plus other student financial assistance, except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C. sec. 1087ll, the tuition waiver shall be reduced by the amount exceeding the total cost of attendance.
- (5) ***Except when extended in accordance with subsection (6) of this section,*** the student shall be eligible for the tuition waiver:
  - (a) For entrance to the institution for a period of no more than four (4) years after the date of graduation from high school ***or obtaining a high school equivalency diploma;*** and
  - (b) For ***one hundred fifty (150) consecutive or nonconsecutive credit hours earned,*** ~~for a period of five (5) years~~ after first admittance to any Kentucky institution if satisfactory progress is achieved or maintained ***up to age twenty-eight (28)*** ~~except when extended in accordance with subsection (6) of this section~~.
- (6) The expiration of a student's ~~five (5) year~~ eligibility under subsection (5)(a) ~~(b)~~ of this section shall be extended ***by the number of academic terms*** ~~upon a determination by~~ the institution ***determines*** ~~that~~ the student was unable to enroll for or complete ~~an academic term~~ due to serving:
  - (a) On active duty status in the United States Armed Forces;
  - (b) As an officer in the Commissioned Corps of the United States Public Health Service; or
  - (c) On active service in the Peace Corps Act or the Americorps.

The original ***age limitation under subsection (5)(b)*** ~~expiration date~~ shall be extended by the total number of years during which the student was on active duty status. The number of months served on active duty status shall be rounded up to the next higher year to determine the maximum length of eligibility extension allowed.
- (7) The Council on Postsecondary Education shall report nonidentifying data on graduation rates of students participating in the tuition waiver program by November 30 each year to the Legislative Research Commission.
- (8) Nothing in this section shall be construed to:
  - (a) Guarantee acceptance of or entrance into any postsecondary institution for a foster or adopted child;
  - (b) Limit the participation of a foster or adopted student in any other program of financial assistance for postsecondary education;
  - (c) Require any postsecondary institution to waive costs or fees relating to room and board; or
  - (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or the Cabinet for Health and Family Services from accessing other sources of financial assistance, except loans, that may be available to a foster or adopted student.

**Signed by Governor April 24, 2020.**

## CHAPTER 112

**( SB 158 )**

AN ACT relating to education.

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

➔Section 1. KRS 158.6455 is amended to read as follows:

It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.



- (1) (a) The Kentucky Board of Education shall create an accountability system to classify districts and schools in accordance with the academic standards and student assessment program developed pursuant to KRS 158.6453.
- (b) The accountability system shall include *an annual meaningful differentiation of all public schools in the state using multiple measures that describe the overall performance of each district, school, and student subgroup. Performance shall be based on a combination of academic and school quality indicators and measures, hereinafter called "state indicators." The state indicators shall exclusively include:*
  1. ~~{An annual overall summative performance evaluation of each school and district compared to goals established by the Kentucky Department of Education. The evaluation for each school and district shall:~~
    - a. ~~Not consist of a single summative numerical score that ranks schools against each other; and~~
    - b. ~~Be based on a combination of academic and school quality indicators and measures, with greater weight assigned to the academic measures;~~
  2. ~~Student assessment results;~~
  - 2.~~{3.}~~ Progress toward achieving English proficiency by limited English proficiency students;
  - 3.~~{4.}~~ Quality of school climate and safety;
  - 4.~~{5.}~~ High school graduation rates;
  - 5.~~{6.}~~ Postsecondary readiness for each high school student, which shall be included as an academic indicator, and shall be measured by:
    - a. Meeting or exceeding a college readiness benchmark score on the college admissions examination used as the statewide assessment in KRS 158.6453(5)(b)5. or a college placement examination approved by the Council on Postsecondary Education. The college readiness benchmark score shall be established by the Council on Postsecondary Education; or
    - b. Achievement of college credit, postsecondary articulated credit, apprenticeship time toward a credential or associate degree, or any industry-recognized certifications, licensures, or credentials, with more weight in accountability for industry-recognized certifications, licensures, or credentials identified as high demand in accordance with the process described in paragraph (e)~~{(e)}~~ of this subsection. Eligible industry-recognized certifications, licensures, or credentials shall not be limited to those earned in conjunction with a minimum sequence of courses. Each high school shall publicly report the credits, hours, and credentials on an annual basis; and
  - 6.~~{7.}~~ Any other factor mandated by the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor.
- (c) *Beginning with data from the 2020-2021 and 2021-2022 school years, the accountability system performance for each district, school, and student subgroup determined by the state indicators shall be based on a combination of annual performance, hereinafter called "status," and improvement over time, hereinafter called "change."*
  1. *Status and change shall receive equal weight in determining overall performance. For all students as a group and separately for individual subgroups, status shall be determined, beginning with the data from the 2020-2021 academic year, by using the current year performance and change shall be determined, beginning with the data from the 2021-2022 academic year, by using the difference in performance from the prior to current year, except change shall be based on the difference in performance for the prior three (3) years for the purpose of determining the lowest-performing five percent (5%) of schools under subsections (2) and (3) of Section 2 of this Act.*
  2. *For each state indicator, there shall be five (5) status levels ranging from very high to very low and five (5) change levels ranging from increased significantly to declined significantly.*

3. *The percentile cut scores for status and change levels shall be based on distribution and shall be approved by the Kentucky Department of Education and the Local Superintendents Advisory Council. The cut scores shall remain in place for at least six (6) years unless existing cut scores no longer support meaningful differentiation of schools as required by the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor.*
- (d) *Beginning in the fall of 2022, the Kentucky Department of Education shall develop an online display of the accountability system results hereinafter called a "dashboard." A color-coded performance level for each state indicator shall be displayed in a straightforward manner on the dashboard for overall performance, status, and change by district, school, and individual subgroups. Overall performance shall aggregate all available data for the state indicators.*
- (e) Based on data from the Kentucky Center for Education and Workforce Statistics, each local workforce investment board, in conjunction with local economic development organizations from its state regional sector, shall annually compile a list of industry-recognized certifications, licensures, and credentials specific to the state and regional workforce area, rank them by demand for the state and regional area, and provide the list to the Kentucky Workforce Innovation Board. The Kentucky Workforce Innovation Board, in conjunction with the Kentucky Department of Education, may revise the lists before the Kentucky Department of Education disseminates the lists to all school districts to be used as postsecondary readiness indicators.
- ~~(f)(d)~~ 1. The Kentucky Department of Education shall pay for the cost of an assessment taken by a high school student for attaining an industry-recognized certification, credential, or licensure if the student consecutively completes at least two (2) related career pathway courses approved by the department prior to taking the assessment.
2. If a high school student has not completed the two (2) course requirement described in subparagraph 1. of this paragraph but meets performance-based experience eligibility and passes an assessment, the department shall provide a weighted reimbursement amount to the school district for the cost of the assessment based on the level of demand of the certificate, credential, or license earned. The Kentucky Board of Education shall promulgate regulations establishing the performance-based experience eligibility requirements and weighted reimbursement amounts.
- ~~(g)(e)~~ Prior to promulgating administrative regulations to revise the accountability system, the board shall seek advice from the School Curriculum, Assessment, and Accountability Council; the Office of Education Accountability; the Education Assessment and Accountability Review Subcommittee; and the National Technical Advisory Panel on Assessment and Accountability.
- (2) A student's test scores shall be counted in the accountability measure of:
  - (a) 1. The school in which the student is currently enrolled if the student has been enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; or
  2. The school in which the student was previously enrolled if the student was enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; and
  - (b) The school district if the student is enrolled in the district for at least a full academic year as defined by the Kentucky Board of Education; and
  - (c) The state if the student is enrolled in a Kentucky public school prior to the beginning of the statewide testing period.
- (3) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action, intervention, and appropriate consequences for schools that fail to exit comprehensive support and improvement status described in KRS 160.346. The consequences shall be designed to improve the academic performance and learning environment of identified schools and may include but not be limited to:
  - (a) A review and audit process to determine the appropriateness of a school's or district's classification and to recommend needed assistance;
  - (b) School and district improvement plans;

- (c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;
  - (d) Education assistance from highly skilled certified staff; and
  - (e) Observation of school personnel.
- (4) All students who drop out of school during a school year shall be included in a school's annual average school graduation rate calculation.
- (5) After receiving the advice of the Education Assessment and Accountability Review Subcommittee, the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a three (3) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when one (1) or more schools in the district fail to exit comprehensive support and improvement status after three (3) consecutive years of implementing the turnaround intervention process described in KRS 160.346.
- (6) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A~~{,}~~ to establish a process whereby a school *or school district* shall be allowed to appeal ~~any~~~~{a}~~ performance judgment *made by the department under this section or Section 2 of this Act of a principal, superintendent, school, or school district* which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of~~{highly}~~ unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the three (3) year assessment period which are beyond the control of the *appellant school or school district*.

➔Section 2. KRS 160.346 is amended to read as follows:

- (1) For purposes of this section:
- (a) *"Approved turnaround vendor list" means a list of at least three (3) vendors pre-approved by the Kentucky Board of Education for the purposes of subsection (8) of this section that have documented success at providing turnaround diagnosis, training, and improved performance of organizations;*
  - (b) "Department" means the Kentucky Department of Education;
  - (c)~~{(b)}~~ "ESSA" means the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
  - (d)~~{(c)}~~ "Level" means elementary, middle, or high school;
  - (e)~~{(d)}~~ "Turnaround" means a comprehensive transformation of a school to achieve accelerated, meaningful, and sustainable increases in student achievement through improved school leadership and school district support;
  - (f)~~{(e)}~~ "Turnaround plan" means a mandatory school plan that is designed to improve student learning and performance with evidence-based interventions as defined in ESSA and that is developed and implemented by the local school district in partnership with stakeholders, including the principal, other school leaders, teachers, and parents; and
  - (g)~~{(f)}~~ "Turnaround team" means the turnaround training and support team~~{selected by the local board of education as}~~ described in subsection (8)~~{(7)}~~(a) of this section.
- (2) (a) Beginning with the ~~2020-2021~~~~{2019-2020}~~ school year, and annually thereafter, the department shall identify a school for targeted support and improvement if the school has~~{at least}~~ one (1) *or more of the same subgroups*~~{subgroup}~~, as defined by ESSA, whose performance in the state accountability system by level is at or below that of all students in any of the lowest-performing five percent (5%) of all schools for three (3) consecutive years~~{and the school is in the lowest performing ten percent (10%) of all schools by level}~~.
- (b) Beginning with the ~~2021-2022~~~~{2020-2021}~~ school year, and every three (3) years thereafter, the department shall identify a school for additional targeted support and improvement if the school has~~{at least}~~ one (1) *or more subgroups*~~{subgroup}~~, as defined by ESSA, whose performance in the state

accountability system by level is at or below the summative performance of all students in any of the lowest-performing five percent (5%) of all schools identified under subsection (3)(a) of this section and ~~the school was~~~~has been~~ **identified in the immediately preceding year** for targeted support and improvement as described in paragraph (a) of this subsection.

- (3) Beginning with the **2021-2022 school year, and every three (3) years thereafter**~~[2018-2019 school year, or upon the department's implementation of the provisions of ESSA, whichever occurs first]~~, a school shall be identified by the department for comprehensive support and improvement if the school is:
  - (a) In the lowest-performing five percent (5%) of all schools in its level based on the school's performance in the state accountability system;
  - (b) A high school with a four (4) year cohort graduation rate that is less than eighty percent (80%); or
  - (c) Identified by the department for **additional** targeted support and improvement under subsection (2)(b) of this section and fails to exit **additional** targeted support and improvement status based on criteria established under subsection ~~(11)~~~~(9)~~ of this section.
- (4)
  - (a) When a school is identified for targeted support and improvement **under subsection (2)(a) of this section**, the local school personnel, working with stakeholders, including the principal, other school leaders, teachers, and parents, shall revise its school improvement plan, which shall be subject to review and approval by the local board of education.
  - (b) Each revised plan shall be informed by all available indicators, including student performance compared to long-term goals, and shall include:
    1. Components of turnaround leadership development and support;
    2. Identification of critical resource inequities;
    3. Evidence-based interventions; and
    4. Additional actions that address the causes of consistently underperforming subgroups of students.
  - (c) If adequate performance progress, as defined by the department, is not made:
    - ~~1. By a school identified under subsection (2)(b) of this section, the local school district shall take additional action to assist and support the school in reaching performance goals; and~~
    - ~~2. By a school identified under subsection (2)(a) of this section, the school shall be identified for comprehensive support and improvement.~~
- (5) ~~[(a)]~~ **When a school is identified for additional targeted support and improvement under subsection (2)(b) of this section, the local school district shall take more rigorous district-determined action to assist and support the school in reaching performance goals.**
- (6)
  - (a) When a school is identified for comprehensive support and improvement, an audit shall be performed **by the department to diagnose the causes of the school's low performance**.~~[The local board of education shall select a turnaround audit team with documented expertise in diagnosing the causes of an organization's low performance and providing advice and strategies resulting in effective turnaround leadership. The audit team shall not include any of the district's employees.]~~
  - ~~(b) If the local board determines no suitable audit teams are available, the board shall select the department to perform the audit.~~
  - ~~(c) The Kentucky Board of Education shall recommend criteria to the local board of education for a review process that a turnaround audit team may utilize to assess the turnaround leadership capacity of the principal, superintendent, and district.]~~
  - ~~(b)~~~~[(d)]~~ The audit conducted under this subsection shall be the only comprehensive audit required for a school unless the school fails to exit comprehensive support and improvement status as described in subsection ~~(11)~~~~(10)~~ of this section or exits comprehensive support and improvement status but subsequently repeats as a school identified for comprehensive support and improvement.
- ~~(7)~~~~[(6)]~~
  - (a) **The audit conducted by the department**~~[An audit team established]~~ under subsection ~~(6)~~~~(5)~~ of this section~~[to audit a school identified for comprehensive support and improvement]~~ shall include~~[in the review and report]~~:

1. A diagnosis of the causes of the school's low performance, with an emphasis on underperforming subgroups of students and corresponding critical resource inequities;
  2. An assessment and recommendation to the superintendent regarding *the best strategies to address the school's specific needs*~~[the principal's capacity to function or develop as a turnaround specialist, including if the principal should be reassigned to a comparable position in the school district];~~
  3. An assessment of the interaction and relationship among the superintendent, central office personnel, and the school principal;
  4. A recommendation of the steps the school may implement to launch and sustain a turnaround process; and
  5. A recommendation to the local board of education of the turnaround principles and strategies necessary for the superintendent to assist the school with turnaround.
- (b) The report of an audit conducted under this subsection shall be provided to the superintendent, local board of education, school principal, commissioner of education, and the Kentucky Board of Education.
- (8)(7) After completion of the audit described in subsection (7)(6) of this section, each school identified for comprehensive support and improvement shall engage in the following turnaround intervention process:
- (a) The local board of education shall *select a vendor from the approved turnaround vendor list*~~;~~
    1. ~~issue a request for proposals for a private entity with documented success at turnaround diagnosis, training, and improved performance of organizations~~ to provide a turnaround training and support team to the school identified for comprehensive support and improvement. The local board of education shall ~~select the turnaround entity and~~ negotiate the scope and duration of the *vendor's*~~entity's~~ services;
    2. ~~Utilize local staff and community partners to serve as the turnaround team for the school identified for comprehensive support and improvement; or~~
    3. ~~Select the Kentucky Department of Education to serve as the turnaround team, if the local board determines the options provided in subparagraphs 1. and 2. of this paragraph are not viable alternatives;~~
  - (b) The authority of the school council granted under KRS 160.345 shall be transferred to the superintendent~~;~~
  - ~~(c) The superintendent may either retain the principal or reassign him or her to a comparable position in the district;~~
  - (c)(d) The superintendent shall select a principal for the school if a principal vacancy~~or reassignment~~ occurs. The superintendent shall consult with the turnaround team, parents, certified staff, and classified staff before appointing a principal replacement;
  - (d)(e) Upon recommendation of the principal, the superintendent may reassign certified staff members to a comparable position in the school district;
  - (e)(f) The superintendent shall collaborate with the turnaround team to design ongoing turnaround training and support for the principal and a corresponding monitoring system of effectiveness and student achievement results;
  - (f)(g) The principal shall collaborate with the turnaround team to establish an advisory leadership team representing school stakeholders including other school leaders, teachers, and parents;
  - (g)(h)
    1. *In consultation with the department*, the local school board shall collaborate with the superintendent, principal, turnaround team, and the advisory leadership team to propose a three (3) year turnaround plan.
    2. The turnaround plan shall include requests to the department for exemptions from submitting documentation that are identified by the principal, advisory leadership team, and turnaround team as inhibitors to investing time in innovative instruction and accelerated student achievement of diverse learners including ongoing staff instructional plans, student interventions, formative assessment results, or staff effectiveness processes.

3. The turnaround plan shall be reviewed for approval by the superintendent and the local board of education and shall be subject to review, approval, monitoring, and periodic review by the department as described in KRS 158.782;
  - ~~(h)(i)~~ The school district may request technical assistance from the department for development and implementation of the turnaround plan, which may include conducting needs assessments, selecting evidence-based interventions, and reviewing and addressing resource inequities;
  - ~~(i)(j)~~ The turnaround plan shall be fully implemented by the first full day of the school year following the school year the school was identified for comprehensive support and improvement; and
  - ~~(j)(k)~~ The superintendent shall periodically report to the local school board, and at least annually to the commissioner of education, on the implementation and results of the turnaround plan.
  - ~~(9)(8)~~ ~~[To assist with funding the audit and turnaround intervention process described in subsections (5) and (7) of this section and not provided by the department,]~~ The department shall annually *disburse funds to* ~~a[reimburse the]~~ school district, for a maximum of three (3) years, *to assist with funding the turnaround vendor costs incurred by the district under subsection (8) of this section. The Kentucky Board of Education shall promulgate administrative regulations on how the disbursement amounts shall be determined, which shall be based on the department's past practice for determining allocations for school improvement*~~[an amount not to exceed the amount budgeted by the department to serve as the turnaround team to a school under subsection (7)(a)3. of this section, including Commonwealth school improvement funds under KRS 158.805 and assistance personnel].~~
  - (10) Beginning in 2023, the department shall submit an annual report no later than November 30 to the Interim Joint Committee on Education relating to the turnaround vendor selected by each school under subsection (8) of this section. The report shall include but not be limited to each school's accountability system performance since utilizing the services of the turnaround vendor, the cost of using the vendor, and any other information helpful in evaluating the performance of the turnaround vendor.**
  - ~~(11)(9)~~ The Kentucky Board of Education shall establish *annual* statewide exit criteria for schools identified for targeted support and improvement, *additional targeted support and improvement*, and comprehensive support and improvement.
  - ~~(12)(10)~~ If a school enters comprehensive support and improvement status and does not make any annual improvement, as determined by the department, for two (2) consecutive years, or if the school does not exit the status after three (3) years, the school shall enter a school intervention process chosen by the commissioner of education that provides more rigorous support and action by the department to improve the school's performance.
  - ~~(13)(11)~~ For school districts that include a significant number of schools, as determined by the department, identified for targeted support and improvement:
    - (a) The department shall periodically review a local board's resource allocations to support school improvement and provide technical assistance to the local school board; and
    - (b) The department may provide a recommended list of turnaround or school intervention providers that have demonstrated success implementing evidence-based strategies.
  - ~~(14)(12)~~ If, in the course of a school audit, the audit team identifies information suggesting that a violation of KRS 160.345(9)(a) may have occurred, the commissioner of education shall forward the evidence to the Office of Education Accountability for investigation.
  - ~~(15)(13)~~ A school's right to establish a council granted under KRS 160.345 may be restored by the local board of education two (2) years after the school exits comprehensive support and improvement status.
- ➔Section 3. KRS 156.160 is amended to read as follows:
- (1) With the advice of the Local Superintendents Advisory Council, the Kentucky Board of Education shall promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. These regulations shall comply with the expected outcomes for students and schools set forth in KRS 158.6451. Administrative regulations shall be promulgated for the following:
    - (a) Courses of study for the different grades and kinds of common schools identifying the common curriculum content directly tied to the goals, outcomes, and assessment strategies developed under KRS

158.645, 158.6451, and 158.6453 and distributed to local school districts and schools. The administrative regulations shall provide that:

1. If a school offers American sign language, the course shall be accepted as meeting the foreign language requirements in common schools notwithstanding other provisions of law;
  2. If a school offers the Reserve Officers Training Corps program, the course shall be accepted as meeting the physical education requirement for high school graduation notwithstanding other provisions of law; and
  3. Every public middle and high school's curriculum shall include instruction on the Holocaust and other cases of genocide, as defined by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, that a court of competent jurisdiction, whether a court in the United States or the International Court of Justice, has determined to have been committed by applying rigorous standards of due process;
- (b) Courses of study or educational experiences available to students in all middle and high schools to fulfill the prerequisites for courses in advanced science and mathematics as defined in KRS 158.845;
- (c) The acquisition and use of educational equipment for the schools as recommended by the Council for Education Technology;
- (d) The minimum requirements for high school graduation in light of the expected outcomes for students and schools set forth in KRS 158.6451. ***The minimum requirements shall not include achieving any postsecondary readiness indicator as described in Section 1 of this Act or any minimum score on a statewide assessment administered under Section 6 of this Act.*** Student scores from any assessment administered under KRS 158.6453 that are determined by the National Technical Advisory Panel to be valid and reliable at the individual level shall be included on the student transcript. The National Technical Advisory Panel shall submit its determination to the commissioner of education and the Legislative Research Commission;
- (e) The requirements for an alternative high school diploma for students with disabilities whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):
1. The student cannot participate in the regular statewide assessment; and
  2. An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an individualized course of study;
- (f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;
- (g) Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;
- (h) Medical inspection, physical and health education and recreation, and other regulations necessary or advisable for the protection of the physical welfare and safety of the public school children. The administrative regulations shall set requirements for student health standards to be met by all students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes described in KRS 158.6451. The administrative regulations shall permit a student who received a physical examination no more than six (6) months prior to his initial admission to Head Start to substitute that physical examination for the physical examination required by the Kentucky Board of Education of all students upon initial admission to the public schools, if the physical examination given in the Head Start program meets all the requirements of the physical examinations prescribed by the Kentucky Board of Education;
- (i) A vision examination by an optometrist or ophthalmologist that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a vision examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence

shall be submitted to the school no later than January 1 of the first year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a public school, public preschool, or Head Start program;

- (j) 1. Beginning with the 2010-2011 school year, a dental screening or examination by a dentist, dental hygienist, physician, registered nurse, advanced practice registered nurse, or physician assistant that shall be required by the Kentucky Board of Education. The administrative regulations shall require evidence that a dental screening or examination that meets the criteria prescribed by the Kentucky Board of Education has been performed. This evidence shall be submitted to the school no later than January 1 of the first year that a five (5) or six (6) year-old child is enrolled in a public school.
  - 2. A child shall be referred to a licensed dentist if a dental screening or examination performed by anyone other than a licensed dentist identifies the possibility of dental disease;
  - (k) The transportation of children to and from school;
  - (l) The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
  - (m) The preparation of budgets and salary schedules for the several school districts under the management and control of the Kentucky Board of Education;
  - (n) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;
  - (o) The disposal of real and personal property owned by local boards of education; and
  - (p) The development and implementation of procedures, for all students who are homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to do the following:
    - 1. Awarding and accepting of credit, including partial credit, for all coursework satisfactorily completed by a student while enrolled at another school;
    - 2. Allowing a student who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;
    - 3. Awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and
    - 4. Exempting the student from all coursework and other requirements imposed by the local board of education that are in addition to the minimum requirements for high school graduation established by the Kentucky Board of Education pursuant to paragraph (d) of this subsection in the district to which the student transfers, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate both from the district to which the student transfers and the district from which the student transferred.
- (2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:
- 1. An alternative approach will achieve the same result required by the administrative regulation;
  - 2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
  - 3. There is a finding of good cause for the waiver.
- (b) The following shall not be subject to waiver:
- 1. Administrative regulations relating to health and safety;



2. Administrative regulations relating to civil rights;
  3. Administrative regulations required by federal law; and
  4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.
- (c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.
- (3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the Kentucky Board of Education and be certified upon application to the board by such schools.
- (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a penalty to be assessed by the commissioner of education as follows:
- (a) The first violation shall result in a fine of no less than one (1) week's revenue from the sale of the competitive food;
  - (b) Subsequent violations shall result in a fine of no less than one (1) month's revenue from the sale of the competitive food;
  - (c) "Habitual violations," which means five (5) or more violations within a six (6) month period, shall result in a six (6) month ban on competitive food sales for the violating school; and
  - (d) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district.

➔Section 4. KRS 158.140 is amended to read as follows:

- (1) When a pupil in any public elementary school or any approved private or parochial school completes the prescribed elementary program of studies, he is entitled to a certificate of completion signed by the teacher or teachers under whom the program was completed. The certificate shall entitle the pupil to admission into any public high school. Any promotions or credits earned in attendance in any approved public school are valid in any other public school to which a pupil may go, but the superintendent or principal of a school, as the case may be, may assign the pupil to the class or grade to which the pupil is best suited. In case a pupil transfers from the school of one (1) district to the school of another district, an assignment to a lower grade or course shall not be made until the pupil has demonstrated that he is not suited for the work in the grade or course to which he has been promoted.
- (2) Upon successful completion of all state and local board requirements, the student shall receive:
  - (a) A diploma indicating graduation from high school; or
  - (b) An alternative high school diploma if the student has a disability and has completed a modified curriculum and an individualized course of study pursuant to requirements established by the Kentucky Board of Education in accordance with KRS 156.160.
- (3)
  - (a) The Gatton Academy of Mathematics and Science in Kentucky, located at Western Kentucky University, and the Craft Academy for Excellence in Science and Mathematics, located at Morehead State University, may award a diploma to any student who completes his or her high school program at the respective academy. If the academy issues a diploma, the board of regents of the host university shall provide to the commissioner of education a letter of assurance that the program of study completed by its students, in combination with previously earned secondary credits, meets the minimum high school graduation requirements established by the Kentucky Board of Education under KRS 156.160(1)(d).
  - (b) A local school district may award a joint diploma with the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics to any student who was enrolled in a district high school and completed his or her high school program at the respective academy.
  - (c) The respective academy and the home school district shall ensure that student transcripts from each institution accurately reflect the dual credit coursework.

- (4) A local school board may award a diploma indicating graduation from high school to any student posthumously with the high school class the student was expected to graduate.
- (5) (a) A local board of education shall award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during:
  - 1. World War II, as defined in KRS 40.010;
  - 2. The Korean conflict, as defined in KRS 40.010; or
  - 3. The Vietnam War. As used in this paragraph, "Vietnam War" means the period beginning August 5, 1964, and ending May 7, 1975. However, for a member of the United States Armed Forces serving in Vietnam prior to August 5, 1964, the period shall begin February 28, 1961.
- (b) Upon recommendation of the commissioner, the Kentucky Board of Education in consultation with the Kentucky Department of Veterans' Affairs shall promulgate administrative regulations to establish the guidelines for awarding the authentic diplomas referred to in paragraph (a) of this subsection.
- (6) ***Any high school graduation requirements adopted by a local board shall not include achieving a minimum score on a statewide assessment administered under Section 6 of this Act.***
- (7) The Department of Education shall establish the requirements for a vocational certificate of completion. A student who has returned to school after dropping out shall receive counseling concerning the vocational program. A student who has completed the requirements established for a vocational program shall receive a vocational certificate of completion specifying the areas of competence.

➔Section 5. KRS 160.1594 is amended to read as follows:

- (1) A public charter school authorizer shall:
  - (a) Fulfill the expectations and intent of this section and KRS 160.1590 to 160.1599 and 161.141;
  - (b) Demonstrate public accountability and transparency in all matters concerning its charter-authorizing practices, decisions, and expenditures;
  - (c) Solicit, invite, and evaluate applications from applicants;
  - (d) Approve new and renewal charter applications that meet the requirements of this section and KRS 160.1593;
  - (e) Decline to approve charter applications that:
    - 1. Fail to meet the requirements of this section and KRS 160.1593; or
    - 2. Are for a school that would be wholly or partly under the control or direction of any religious denomination;
  - (f) Negotiate and execute in good faith a charter contract with each public charter school it authorizes;
  - (g) Monitor the performance and compliance of public charter schools according to the terms of the charter contract;
  - (h) Determine whether each charter contract it authorizes merits renewal or revocation; and
  - (i) Establish and maintain policies and practices consistent with the principles and professional standards for authorizers of public charter schools, including standards relating to:
    - 1. Organizational capacity and infrastructure;
    - 2. Soliciting and evaluating applications;
    - 3. Performance contracting;
    - 4. Ongoing public charter school oversight and evaluation; and
    - 5. Charter approval, renewal, and revocation decision making.
- (2) In reviewing applications, the public charter school authorizer is encouraged to give preference to applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to:
  - (a) Students identified by the applicants as at risk of academic failure; and

- (b) Students with special needs as identified in their individualized education program as defined in KRS 158.281.
- (3) After a charter applicant submits a written application to establish a public charter school, the authorizer shall:
  - (a) Complete a thorough review process;
  - (b) Conduct an in-person interview with the applicant group;
  - (c) Provide an opportunity in a public forum for local residents to provide input and learn about the charter application;
  - (d) Provide a detailed analysis of the application to the applicant or applicants;
  - (e) Allow an applicant a reasonable time to provide additional materials and amendments to its application to address any identified deficiencies; and
  - (f) Approve or deny a charter application based on established objective criteria or request additional information.
- (4) In deciding to approve a charter application, the authorizer shall:
  - (a) Grant charters only to applicants that possess competence in all elements of the application requirements identified in this section and KRS 160.1593;
  - (b) Base decisions on documented evidence collected through the application review process; and
  - (c) Follow charter-granting policies and practices that are transparent, based on merit, and avoid conflicts of interest.
- (5) No later than sixty (60) days following the filing of the charter application, the authorizer shall approve or deny the charter application. The authorizer shall adopt by resolution all charter approval or denial decisions in an open meeting of the authorizer's board of directors.
- (6) Any failure to act on a charter application shall be deemed a denial by the authorizer.
- (7) An application shall be approved if the public charter school authorizer finds that:
  - (a) The public charter school described in the application meets the requirements established by this section and KRS 160.1590 and 160.1592;
  - (b) The applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner; and
  - (c) Approving the application is likely to improve student learning and achievement and further the purposes established by KRS 160.1591.
- (8) An authorizer shall provide a written explanation within five (5) days, for the public record, stating its reasons for approval or denial of a charter application, including a thorough explanation of how the charter application either meets or fails to meet established objective criteria for making charter application decisions, and the authorizing process which the authorizer used to review, evaluate, and make its final decision.
- (9) An authorizer's charter application approval shall be submitted to the Kentucky Department of Education for final approval by the commissioner of education.
- (10) ***When an authorizer that is a local school board or a collaborative of local school boards receives a charter school application, any member of the board or boards who has not received charter authorization training within twelve (12) months immediately preceding the date the application was received shall receive six (6) hours of in-service training prior to evaluating the charter application. Except for training provided prior to the effective date of this Act, the training shall be in addition to the annual in-service training required under KRS 160.180, and each board shall select the trainer to deliver the training to its members. Charter authorizer training shall not be required of any local school board member until a charter application is submitted to the board or boards.***

➔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) "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
  - (h) "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) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement to ensure alignment with transition readiness standards necessary for global competitiveness and with state career and technical education standards.
- (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) 1. The department shall establish four (4) standards and assessments review committees, with each committee composed of a minimum of six (6) Kentucky public school teachers and a minimum of two (2) representatives from Kentucky institutions of higher education, including at least one (1) representative from a public institution of higher education. Each committee member shall teach in the subject area that his or her committee is assigned to review and have no prior or current affiliation with a curriculum or assessment resources vendor.
2. One (1) of the four (4) committees shall be assigned to focus on the review of language arts and writing academic standards and assessments, one (1) on the review of mathematics academic standards and assessments, one (1) on the review of science academic standards and assessments, and one (1) on the review of social studies academic standards and assessments.
- (d) 1. The department shall establish twelve (12) advisory panels to advise and assist each of the four (4) standards and assessments review committees.
2. Three (3) advisory panels shall be assigned to each standards and assessments review committee. One (1) panel shall review the standards and assessments for kindergarten through grade five (5),

- one (1) shall review the standards and assessments for grades six (6) through eight (8), and one (1) shall review the standards and assessments for grades nine (9) through twelve (12).
3. Each advisory panel shall be composed of at least one (1) representative from a Kentucky institution of higher education and a minimum of six (6) Kentucky public school teachers who teach in the grade level and subject reviewed by the advisory panel to which they are assigned and have no prior or current affiliation with a curriculum or assessment resources vendor.
- (e) The commissioner of education and the president of the Council on Postsecondary Education shall also provide consultants for the standards and assessments review committees and the advisory panels who are business and industry professionals actively engaged in career fields that depend on the various content areas.
- (f)
1. The standards and assessments process review committee is hereby established and shall be composed of the commissioner of education or designee as a nonvoting member and nine (9) voting representatives of public schools, of whom at least two (2) shall be parents of public school students, appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160 as follows:
    - a. One (1) language arts teacher;
    - b. One (1) math teacher;
    - c. One (1) science teacher;
    - d. One (1) social studies teacher;
    - e. Two (2) school principals;
    - f. Two (2) school superintendents; and
    - g. One (1) school board member.
  2. On making appointments to the committee, the Governor shall ensure broad geographical urban and rural representation and representation of elementary, middle, and high school levels; ensure equal representation of the two (2) sexes, inasmuch as possible; and ensure that appointments reflect the minority racial composition of the Commonwealth.
  3. The review of the committee shall be limited to the procedural aspects of the review process undertaken prior to its consideration.
  4. Notwithstanding KRS 12.028, the committee shall not be subject to reorganization by the Governor.
- (g)
1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The department shall ensure the public's assistance in reviewing and suggesting changes to the standards and alignment adjustments to corresponding state assessments by establishing a Web site dedicated to collecting comments by the public and educators. An independent third party, which has no prior or current affiliation with a curriculum or assessment resources vendor, shall be selected by the department to collect and transmit the comments to the department for dissemination to the appropriate advisory panel for review and consideration.
  2. Each advisory panel shall review the standards and assessments for its assigned subject matter and grade level and the suggestions made by the public and educators. After completing its review, each advisory panel shall make recommendations for changes to the standards and alignment adjustments for assessments to the appropriate standards and assessments review committee.
  3. Each standards and assessments review committee shall review the findings and make recommendations to revise or replace existing standards and to adjust alignment of assessments.
  4. The recommendations shall be published on the Web site established in this subsection for the purpose of gathering additional feedback from the public. The commissioner shall subsequently present the recommendations and the public feedback to the Interim Joint Committee on Education.

5. The commissioner shall subsequently provide a report to the standards and assessments process review committee summarizing the process conducted under this subsection and the resulting recommendations. The report shall include but not be limited to the timeline of the review process, public feedback, and responses from the Interim Joint Committee on Education.
  6. After receiving the commissioner's report, the standards and assessments process review committee shall either concur that stakeholders have had adequate opportunity to provide input on standards and the corresponding alignment of state assessments or find the input process deficient. If the process is found deficient, the recommendations may be returned to the appropriate standards and assessments review committee for review as described in subparagraph 3. of this paragraph. If the process is found sufficient, the recommendations shall be forwarded without amendment to the Kentucky Board of Education.
- (h) The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the review process, including staggering the timing and sequence of the review process by subject area and remuneration of the review committees and advisory panels described in paragraphs (c) and (d) of this subsection.
- (i)
1. The Kentucky Board of Education shall consider for approval the revisions to academic standards for a content area and the alignment of the corresponding state assessment once recommendations are received from the standards and assessments process review committee. Existing state academic standards shall remain in place until the board approves new standards.
  2. Any revision to, or replacement of, the academic standards and assessments as a result of the review process conducted under this subsection shall be implemented in Kentucky public schools no later than the second academic year following the review process. Existing academic standards shall be used until new standards are implemented.
  3. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs.
- (j) 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.
- (k) 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 will have experience planning classroom instruction based on the revised standards.
- (l) 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 Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure school accountability.
- (b) The board shall revise the annual statewide assessment program as needed in accordance with revised academic standards and corresponding assessment alignment adjustments approved by the board under subsection (2) of this section.
- (c) The statewide assessments shall not include any academic standards not approved by the board under subsection (2) of this section.
- (d) 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 academic components of the statewide assessment program shall be composed of annual student summative tests, which may include a combination of multiple competency-based assessment and performance measures approved by the Kentucky Board of Education.
- (b) The annual student summative tests shall:
  - 1. Measure individual student achievement in 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 information to teachers that can enable them to improve instruction for current and future students;
  - 5. Provide longitudinal profiles for students; and
  - 6. 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.
- (5) The state student assessments shall include the following components:
  - (a) Elementary and middle grades requirements are:
    - 1. A criterion-referenced test each 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;
    - 2. A criterion-referenced test each 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 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 one (1) time within the middle grades; and
    - 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;
  - (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 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 to be administered one (1) time within the high school grades;
    - 3. An on-demand assessment of student writing to be administered one (1) time 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; and
    - 5. A college admissions examination to assess English, reading, mathematics, and science in the spring of grade ten (10) and the spring of grade eleven (11);
  - (c) The Kentucky Board of Education shall add any other component necessary to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, 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;
  - (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 by schools and districts to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.
- (6) Each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. The Kentucky Board of Education may change the testing window to allow for innovative assessment systems or other online test administration and shall promulgate administrative regulations that minimize the number of days of testing and outline 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) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by this section.
- (8) A local school district may select and use commercial interim or formative assessments or develop and use its own formative assessments to provide data on how well its students are growing toward mastery of Kentucky academic standards, so long as the district's local school board develops a policy minimizing the reduction in instructional time related to the administration of the interim assessments. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
- (9) 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) 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 college admissions examinations described in subsection (5)(b)5. of this section:
- (a) The cost of both college admissions examinations administered to students in high school shall be paid for by the Kentucky Department of Education. The costs of additional college admissions examinations shall be the responsibility of the student;
  - (b) If funds are available, the Kentucky Department of Education shall provide a college admissions examination preparation program to all public high school juniors. The department may contract for necessary services; and
  - (c) Accommodations provided to a student with a disability taking the college admissions assessments under this subsection shall consist of:
    - 1. Accommodations provided in a manner allowed by the college admissions assessment provider when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in subparagraph 2. of this paragraph; or
    - 2. 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 subparagraph 1. of this paragraph when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.
- (12) Kentucky teachers shall have a significant role in providing feedback about the design of the assessments, except for the college admissions exams described in subsection (5)(b)5. of this section. The assessments shall be designed to:
- (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application;



- (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable;
  - (c) Minimize the time spent by teachers and students on assessment; and
  - (d) Assess Kentucky academic standards only.
- (13) 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 last day the assessment can be administered. Assessment reports provided to the school districts and schools shall include an electronic copy of an operational subset of test items from each assessment administered to their students and the results for each of those test items by student and by school.
- (14) 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.
- (15) The Department of Education and the state board shall offer optional assistance to 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.
- (16) The Administration Code for Kentucky's Assessment Program shall 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 code shall include disciplinary sanctions that may be taken toward a school or individuals.
- (17) 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 information on electronic access to 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, Cambridge Advanced International, 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, a score of "e" or better on Cambridge Advanced International examinations, or a score of **four (4)**~~five (5)~~ or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status;
    - 3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to postsecondary;
    - 4. School learning environment, including measures of parental involvement; and
    - 5. Any other school performance data required by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
  - (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading, science, social studies, and mathematics. The school's staff

- shall develop a plan for accelerated learning for any student with identified deficiencies or strengths; and
- (c) A student's highest scores on the college admissions assessments administered under subsection (5)(b)5. of this section.
- (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts and practical living skills and career studies for all levels and in foreign language for middle and high schools. The department shall develop review committees for the standards for each of the content areas that include representation from certified specialist public school teachers and postsecondary teachers in those subject areas.
- (b) The academic standards in practical living skills for elementary, middle, and high school levels shall include a focus on drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin and synthetic drugs.
  - (c) The department shall provide to all schools guidelines for programs that incorporate the adopted academic standards in visual and performing arts and practical living and career studies. The department shall provide to middle and high schools guidelines for including a foreign language program. The guidelines shall address program length and time, courses offered, staffing, resources, and facilities.
  - (d) The Kentucky Department of Education, in consultation with certified public school teachers of visual and performing arts, may develop program standards for the visual and performing arts.
- (19) The Kentucky Department of Education shall provide to all schools guidelines for including an effective writing program within the curriculum. 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.
- (20) (a) The Kentucky Department of Education, in consultation with the review committees described in subsection (18) of this section, shall develop a school profile report to be used by all schools to document how they will address the adopted academic standards in their implementation of the programs as described in subsection (18) of this section, which may include student opportunities and experiences in extracurricular activities. The department shall include the essential workplace ethics program on the school profile report.
- (b) By October 1 of each year, each school principal shall complete the school profile report, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The report shall be electronically transmitted to the Kentucky Department of Education, and the original shall be maintained on file at the local board office and made available to the public upon request. The department shall include a link to each school's profile report on its Web site.
  - (c) If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.

➔Section 7. KRS 158.649 is amended to read as follows:

- (1) "Achievement gap" means ***the difference between performance goals and actual performance***~~a substantive performance difference~~ on each of the tested areas by grade level of the state assessment program ***for each of***~~between~~ the various subgroups of students as described in the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.
- (2) By October 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the state assessment program described in KRS 158.6453. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program, and any other

subgroups as described in the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be no later than seventy-five (75) days following the first day the assessment can be administered.

- (3) Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish an annual target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.
- (4) By February 1 of each year, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the targets before they are submitted to the local board of education for adoption.
- (5) By January 1 of each year, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the school improvement plan to include the targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:
  - (a) Curriculum alignment within the school and with schools that send or receive the school's students;
  - (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
  - (c) Professional development to address the goals of the plan;
  - (d) Parental communication and involvement;
  - (e) Attendance improvement and dropout prevention; and
  - (f) Technical assistance that will be accessed.
- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340.
- (7) Based on the disaggregated assessment results, the local board shall determine if each school achieved its targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a school has not met its target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the school improvement plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.
- (9) The superintendent shall report to the local school board and the commissioner of education if a school fails to meet its targets in any academic content area to reduce the gap in student achievement for any student group for two (2) consecutive years. The school's improvement plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may provide assistance as defined in KRS 160.346 to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

➔Section 8. KRS 157.077 is amended to read as follows:

- (1) As used in this section "summer learning program" and "summer learning camp" mean the program and camps established by KRS 158.865 to 158.867.
- (2) To the extent funds are appropriated by the General Assembly to support summer learning programs, those funds shall be distributed to each local district operating a summer learning program each year based on the average daily membership of the district's summer learning camps for that year. In addition, any funds appropriated to support transportation of students to summer learning camps, shall be distributed based on the previous year per pupil calculation as determined under KRS 157.370.
- (3) (a) Each school district operating a summer learning program shall establish and maintain a separate fund for each school where a summer learning camp is being held. The fund:
  1. Shall include any state appropriations specifically designated for the summer learning camp at the school, excluding Title I funds; and
  2. May include moneys from grants, donations from individuals and businesses, and proceeds from fundraising efforts to support the summer learning camp at the school.
- (b) Funds in the accounts shall be used for personnel, field trips, and to purchase supplies, materials, and equipment for the summer learning camp.
- (c) Any amounts remaining in an individual school fund at the end of the year shall be carried forward into the next year. If a school discontinues operation of its summer learning camp, the funds shall be transferred to another school in the district where a summer learning camp will be held. If there are no summer learning camps in the district, the funds may be used by the district to close the achievement gap ~~for between~~ low-income ~~and high income~~ students.

➔Section 9. KRS 160.1590 is amended to read as follows:

As used in KRS 160.1590 to 160.1599:

- (1) "Achievement academy" has the same meaning as "public charter school";
- (2) "Achievement gap" means ***the difference between performance goals and actual performance*** ~~[a disparity of outcomes]~~ on state standardized examinations and other academic performance measures ~~for between~~ subgroups of students, especially groups defined by socioeconomic status, race, and ethnicity;
- (3) "Applicant" means an eligible person or persons, organization, or entity that seeks approval from a charter school authorizer to establish a public charter school;
- (4) "Charter application" means a proposal from an applicant to an authorizer to enter into a charter contract whereby the proposed school obtains public charter school status;
- (5) "Charter contract" or "contract" means a fixed-term, renewable contract between a charter school and an authorizer that identifies the roles, powers, responsibilities, and performance expectations for each party to the contract pursuant to KRS 160.1596;
- (6) "Charter school board of directors" means the independent board of a public charter school that is party to the charter contract with the authorizer and whose members have been elected or selected pursuant to the school's application;
- (7) "Conversion public charter school" means a public charter school that existed as a noncharter public school prior to becoming a public charter school;
- (8) "Education service provider" means an education management organization, school design provider, or any other partner entity with which a public charter school contracts for educational design, implementation, or comprehensive management;
- (9) "Local school board" means a school board exercising management and control of a local school district;
- (10) "Local school district" means a county or independent school district as identified in KRS 160.010 and 160.020;
- (11) "Parent" means a parent, guardian, or other person or entity having legal custody of a child;
- (12) "Public charter school" means a public school that:

- (a) Is a public body corporate and politic, exercising public power, including the power in name to contract and be contracted with, sue and be sued, and adopt bylaws not inconsistent with this section;
  - (b) Has autonomy over decisions, including but not limited to matters concerning finance, personnel, scheduling, curriculum, and instruction;
  - (c) Is governed by an independent board of directors;
  - (d) Is established and operating under the terms of a charter contract between the public charter school's board of directors and its authorizer;
  - (e) Is a public school to which parents choose to send their children;
  - (f) Is a public school that admits students on the basis of a random and open lottery if more students apply for admission than can be accommodated;
  - (g) Offers a comprehensive instructional program within a public school district;
  - (h) Operates in pursuit of a specific set of educational objectives as defined in its charter contract; and
  - (i) Operates under the oversight of its authorizer in accordance with its charter contract;
- (13) "Public charter school authorizer" or "authorizer" means an entity or body that reviews, approves, or denies charter applications, enters into charter contracts with applicants, oversees public charter schools, and renews, does not renew, or revokes charter contracts. Authorizers include:
- (a) A local school board of a local school district in which a public charter school is located;
  - (b) A collaborative among local school boards that forms to set up a regional public charter school to be located within the area managed and controlled by those local school boards;
  - (c) The mayor of a consolidated local government who may only authorize public charter schools to be physically located within the county in which the city is located and who has submitted a written notice to the state board that he or she intends to serve as an authorizer; and
  - (d) The chief executive officer of an urban-county government who may only authorize public charter schools to be physically located within the county in which the city is located and who has submitted a written notice to the state board that he or she intends to serve as an authorizer;
- (14) "Qualified teacher" means a person certified by the Education Professional Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048;
- (15) "Regional achievement academy" means a public charter school that has been established to serve students across multiple school districts;
- (16) "Regional achievement zone" means one (1) county containing four (4) or more local school districts or two (2) or more contiguous counties, each containing four (4) or more local school districts;
- (17) "Start-up public charter school" means a public charter school that did not exist as a noncharter public school prior to becoming a public charter school;
- (18) "State board" means the Kentucky Board of Education;
- (19) "Student" means any child who is eligible for attendance in a public school in Kentucky; and
- (20) "Virtual public charter school" means a public charter school that offers educational services primarily or completely through an online program.

➔Section 10. KRS 160.1591 is amended to read as follows:

- (1) The General Assembly hereby finds and declares that:
- (a) Reducing achievement gaps in Kentucky is necessary for the state to realize its workforce and economic development potential;
  - (b) Past and current measures have been insufficient for making progress toward reducing the state's achievement gaps;
  - (c) Additional public school options are necessary to help reduce socioeconomic, racial, and ethnic achievement gaps; and
  - (d) The demand exists for high-quality public charter schools in the Commonwealth.

- (2) The General Assembly hereby establishes a public charter school project to benefit parents, teachers, and community members by creating new, innovative, and more flexible ways of educating all children within the public school system and by advancing a renewed commitment to the mission, goals, and diversity of public education. The purposes of the public charter school initiative are to:
- (a) Improve student learning outcomes by creating additional high-performing schools with high standards for student performance;
  - (b) Encourage the use of different, high-quality models of teaching, governing, scheduling, or other aspects of schooling that meet a variety of student needs;
  - (c) Close achievement gaps ~~for~~~~[between high performing and]~~ low-performing groups of public school students;
  - (d) Allow schools freedom and flexibility in exchange for exceptional levels of results-driven accountability;
  - (e) Increase high-quality educational opportunities within the public education system for all students, especially those at risk of academic failure; and
  - (f) Provide students, parents, community members, and local entities with expanded opportunities for involvement in the public education system.
- (3) Beginning in academic year 2017-2018, any authorizer may authorize an unlimited number of public charter schools within the boundary of the local school district.
- (4) A public charter school shall not be a virtual public charter school.
- (5) (a) A public charter school authorized by a local school board or collaborative may enroll students who reside within the boundaries of the district or districts represented by the local school board or collaborative.
- (b) Enrollment preference for a conversion public charter school shall be given to students who attended the school the previous school year. If the number of students enrolled does not exceed the capacity of the school, secondary preference shall be given to students who reside within the district boundary in which the public charter school is located.
- (c) Enrollment preference for public charter schools shall be given to students enrolled in the public charter school the previous year and to siblings of students already enrolled in the school. An enrollment preference for returning students shall exclude those students from entering into a lottery, as identified in paragraph (f) of this subsection.
- (d) Enrollment preference may be given to the children of the public charter school's board of directors and full-time employees of the public charter school provided they constitute no more than ten percent (10%) of the total student population.
- (e) A public charter school may allow an enrollment preference for students who meet federal eligibility requirements for free or reduced-price meals and students who attend persistently low-achieving noncharter public schools.
- (f) If capacity is insufficient to enroll all students who wish to attend any specific grade level or program at a public charter school, the school shall select students through a randomized and transparent lottery.
- (6) (a) A public charter school established within the boundaries of a regional achievement zone shall be a regional achievement academy.
- (b) 1. A regional achievement academy may be authorized by a single local school board within the regional achievement zone or by a collaborative of local school boards within the regional achievement zone.
2. A regional achievement academy authorized by a single local school board shall be located within the boundaries of the authorizing local school district.
3. A regional achievement academy authorized by a collaborative of local school boards shall be located within the regional achievement zone.
- (c) A regional achievement academy may only enroll students who reside within the boundaries of its regional achievement zone.

- (d) Enrollment preference in a regional achievement academy may be given to students who reside within the boundaries of the local school district where the regional achievement academy is located.
- (7) Consistent with the requirements of KRS 160.1590 to 160.1599 and 161.141, the state board shall promulgate administrative regulations to guide student application, lottery, and enrollment in public charter schools.

➔Section 11. KRS 160.1596 is amended to read as follows:

- (1) (a) For purposes of this section, a member of the board of directors of a public charter school shall be considered an officer under KRS 61.040 and shall, within sixty (60) days of final approval of an application, take an oath of office as required under KRS 62.010.
- (b) Within seventy-five (75) days of the final approval of an application, the board of directors and the authorizer shall enter into a binding charter contract that establishes the academic and operational performance expectations and measures by which the public charter school will be evaluated.
- (c) The executed charter contract shall become the final authorization for the public charter school. The charter contract shall include:
  - 1. The term of the contract;
  - 2. The agreements relating to each item required under KRS 160.1592(3) and 160.1593(3), as modified or supplemented during the approval process;
  - 3. The rights and duties of each party;
  - 4. The administrative relationship between the authorizer and the public charter school;
  - 5. The allocation of state, local, and federal funds, and the schedule to disburse funds to the public charter school by the authorizer;
  - 6. The process the authorizer will use to provide ongoing oversight, including a process to conduct annual site visits;
  - 7. The specific commitments of the public charter school authorizer relating to its obligations to oversee, monitor the progress of, and supervise the public charter school;
  - 8. The process and criteria the authorizer will use to annually monitor and evaluate the overall academic, operating, and fiscal conditions of the public charter school, including the process the authorizer will use to oversee the correction of any deficiencies found in the annual review;
  - 9. The process for revision or amendment to the terms of the charter contract agreed to by the authorizer and the board of directors of the public charter school;
  - 10. The process agreed to by the authorizer and the board of directors of the public charter school that identifies how disputes between the authorizer and the board will be handled; and
  - 11. Any other terms and conditions agreed to by the authorizer and the board of directors, including pre-opening conditions. Reasonable conditions shall not include enrollment caps or operational requirements that place undue constraints on a public charter school or are contradictory to the provisions of KRS 160.1590 to 160.1599 and 161.141. Such conditions, even when incorporated in a charter contract, shall be considered unilaterally imposed conditions.
- (d) 1. The performance provisions within a charter contract shall be based on a performance framework that sets forth the academic and operational performance indicators, measures, and metrics to be used by the authorizer to evaluate each public charter school. The performance framework shall include at a minimum indicators, measures, and metrics for:
  - a. Student academic proficiency;
  - b. Student academic growth;
  - c. Achievement gaps in both student proficiency and student growth ~~for~~<sup>between</sup> student subgroups, including race, sex, socioeconomic status, and areas of exceptionality;
  - d. Student attendance;
  - e. Student suspensions;
  - f. Student withdrawals;

- g. Student exits;
  - h. Recurrent enrollment from year to year;
  - i. College or career readiness at the end of grade twelve (12);
  - j. Financial performance and sustainability; and
  - k. Board of directors' performance and stewardship, including compliance with all applicable statutes, administrative regulations, and terms of the charter contract.
2. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance. The proposed indicators shall be consistent with the purposes of KRS 160.1590 to 160.1599 and 161.141 and shall be negotiated with the authorizer.
  3. The performance framework shall require the disaggregation of student performance data by subgroups, including race, sex, socioeconomic status, and areas of exceptionality.
  4. The authorizer shall be responsible for collecting, analyzing, and reporting to the state board all state-required assessment and achievement data for each public charter school it oversees.
- (e) Annual student achievement performance targets shall be set, in accordance with the state accountability system, by each public charter school in conjunction with its authorizer, and those measures shall be designed to help each school meet applicable federal, state, and authorizer goals.
  - (f) The charter contract shall be signed by the chair of the governing board of the authorizer and the chair of the board of directors of the public charter school. An approved charter application shall not serve as a charter contract for the public charter school.
  - (g) No public charter school may commence operations without a charter contract executed according to this section and approved in an open meeting of the governing board of the authorizer.
- (2) Within five (5) days after entering into a charter contract, a copy of the executed contract shall be submitted by the authorizer to the commissioner of education.
  - (3) The state board shall promulgate administrative regulations to establish the process to be used to evaluate the performance of a charter school authorizer, based upon the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be taken in response to failures in performance.
  - (4) The commissioner of education shall apply for financial assistance through the federal government for the planning, program design, and initial implementation of public charter schools in the state within sixty (60) days after June 29, 2017, or at the first available grant application period. Federal grants include but are not limited to the Charter Schools Program administered by the United States Department of Education.
  - (5) By August 31, 2019, and annually thereafter, each public charter school authorizer shall submit to the commissioner of education, the secretary of the Education and Workforce Development Cabinet, and the Interim Joint Committee on Education a report to include:
    - (a) The names of each public charter school operating under contract with the authorizer during the previous academic year that:
      1. Closed during or after the academic year; or
      2. Had the contract nonrenewed or revoked;
    - (b) The names of each public charter school operating under contract with the authorizer during the previous academic year that have not yet begun to operate;
    - (c) The number of applications received, the number reviewed, and the number approved;
    - (d) A summary of the academic and financial performance of each public charter school operated under contract with the authorizer during the previous academic year; and
    - (e) The authorizing duties and functions performed by the authorizer during the previous academic year.
- ➔Section 12. KRS 160.107 is amended to read as follows:
- (1) A district which is an applicant to be designated as a district of innovation under KRS 156.108 shall:
    - (a) Establish goals and performance targets for the district of innovation proposal, which may include:



1. Reducing achievement gaps ~~for among~~ groups of public school students by expanding learning experiences for students who are identified as academically low-achieving;
  2. Increasing pupil learning through the implementation of high, rigorous standards for pupil performance;
  3. Increasing the participation of students in various curriculum components and instructional components within selected schools to enhance students' preparation at each grade level;
  4. Increasing the number of students who are postsecondary-ready; and
  5. Motivating students at different grade levels by offering more curriculum choices and student learning opportunities to parents and students within the district;
- (b) Identify changes needed in the district and schools to lead to better-prepared students for success in life and work;
- (c) Have a district-wide plan of innovation that describes and justifies which schools and innovative practices will be incorporated;
- (d) Provide documentation of community, educator, parental, and the local board's support of the proposed innovations;
- (e) Provide detailed information regarding the rationale of requests for waivers from Kentucky Revised Statutes and administrative regulations, and exemptions for selected schools regarding waivers of local board of education policies;
- (f) Document the fiscal and human resources the board will provide throughout the term of the implementation of the innovations within its plan; and
- (g) Provide other materials as required by the Kentucky Department of Education in compliance with the state board's administrative regulations and application procedures.
- (2) The district and all schools participating in a district's innovation plan shall:
- (a) Ensure the same health, safety, civil rights, and disability rights requirements as are applied to all public schools;
  - (b) Ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100;
  - (c) Ensure that high school course offerings meet or exceed the minimum required under KRS 156.160 for high school graduation or meet early graduation requirements that may be enacted by the General Assembly;
  - (d) Ensure the student performance standards meet or exceed those adopted by the Kentucky Board of Education, including compliance with the statewide assessment system specified in KRS 158.6453;
  - (e) Adhere to the same financial audits, audit procedures, and audit requirements as are applied under KRS 156.265;
  - (f) Require state and criminal background checks for staff and volunteers as required of all public school employees and volunteers within the public schools and specified in KRS 160.380 and 161.148;
  - (g) Comply with open records and open meeting requirements under KRS Chapter 61;
  - (h) Comply with purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480;
  - (i) Provide overall instructional time that is equivalent to or greater than that required under KRS 158.070, but which may include on-site instruction, distance or virtual learning, and work-based learning on nontraditional school days or hours; and
  - (j) Provide data to the Kentucky Department of Education as deemed necessary to generate school and district reports.
- (3) (a) Only schools that choose to be designated as schools of innovation shall be included in a district's application.
- (b) 1. As used in this paragraph, "eligible employees" means employees that are regularly employed at the school and those employees whose primary job duties will be affected by the plan.

2. A vote shall be taken among eligible employees in a school to determine if the school shall be an applicant as a school of innovation in a district's proposal and to approve the school's plan of innovation before it is submitted to the district. At least seventy percent (70%) of those casting votes shall vote in the affirmative in order for the school to request inclusion in the district's plan and to approve the school's plan of innovation.
  3. The school-based decision making council shall be responsible for conducting the vote provided for in subparagraph 2. of this paragraph, which shall be by secret ballot.
- (c) Notwithstanding the provisions of paragraph (a) of this subsection, a local board of education may require a school that has been identified for comprehensive support and improvement under KRS 160.346 to participate in the district's plan of innovation.
- (4) (a) With approval of the state board, a school of innovation may request and be granted waivers from all or selected provisions of KRS 160.345 relating to school-based decision making.
- (b) To be exempt from KRS 160.345, a school-based decision making council shall vote by secret ballot to determine if it wishes to request a waiver from KRS 160.345 or specific provisions within that statute. Only a school that has seventy percent (70%) or more of the teachers and staff in the school voting to waive its rights and responsibilities under KRS 160.345 shall be eligible.
- (c) No local board of education or superintendent nor the Kentucky Board of Education may compel a school to waive its rights under KRS 160.345, except as provided in KRS 160.346.
- (d) Before the provisions of KRS 160.345 are waived by the Kentucky Board of Education for a specific school, there shall be assurances that teachers, parents, and staff in the affected school will be actively involved in the management and decision-making operations of the schools, including input into employment matters and selection of personnel.
- (5) Notwithstanding any statutes to the contrary, the Kentucky Board of Education may approve the requests of districts of innovation to:
- (a) Use capital outlay funds for operational costs;
  - (b) Hire persons for classified positions in nontraditional school and district assignments who have bachelor's and advanced degrees from postsecondary education institutions accredited by a regional accrediting association as defined in KRS 164.740;
  - (c) Employ teachers on extended employment contracts or extra duty contracts and compensate them on a salary schedule other than the single salary schedule;
  - (d) Extend the school days as is appropriate within the district with compensation for the employees as determined locally;
  - (e) Establish alternative education programs and services that are delivered in nontraditional hours and which may be jointly provided in cooperation with another school district or consortia of districts;
  - (f) Establish a virtual school within the district for delivering alternative classes to meet high school graduation requirements;
  - (g) Use a flexible school calendar;
  - (h) Convert existing schools into schools of innovation; and
  - (i) Modify the formula under KRS 157.360(2) for distributing support education excellence in Kentucky funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district shall not exceed those that would have otherwise been distributed based on average daily attendance during regular instructional days.

➔Section 13. KRS 160.340 is amended to read as follows:

- (1) Each board of education shall, on the forms prepared by the chief state school officer and approved by the Kentucky Board of Education, prepare and submit to the Kentucky Board of Education reports on all phases of its school service. Each board may prepare and publish for the information of the public a report on the progress of its schools.
- (2) Each board of education shall file in the board's office its policies relating to the following matters:
  - (a) Transportation of pupils;

- (b) Discipline and conduct of pupils;
  - (c) Limitations or restrictions on use of school facilities;
  - (d) Conduct of meetings of the board of education, including policies on the calling of executive sessions;
  - (e) Personnel policies that apply to certified employees, including fringe benefits, salary schedules, nonclassroom duties, in-service training, teacher-student ratio, hiring, assignment, transfer, dismissal, suspension, reinstatement, promotion, and demotion;
  - (f) Evaluation of certified employees;
  - (g) Selection of textbooks and instructional materials;
  - (h) Expenditure and accounting for school funds, including all special funds; and
  - (i) Policies dealing with school-based decision making.
- (3) (a) The local board of education may adopt a policy requiring that each school council, or if none exists, the principal, 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.
- (b) Biennially, the local board shall review in a public meeting the portion of each school's consolidated plan that sets forth the activities and schedule to reduce the achievement gaps ~~for among~~ the various groups of students as required in KRS 158.649. If a district has more than twenty (20) schools, the district may review the achievement gap data of each school in a comprehensive district report at a regularly scheduled meeting of the board. The report shall include the schools' and district's plans to reduce any identified gaps in student achievement.
- (4) It is intended that these policies shall cover matters within the authority and discretion of the district board of education and not matters otherwise required by law or regulation. Such policies shall be filed in the board's office by August 15, 1974, shall be kept up to date by filing annual amendments thereto each August 15 and shall be public records.

➔Section 14. KRS 164.0207 is amended to read as follows:

- (1) The Collaborative Center for Literacy Development: Early Childhood through Adulthood is created to make available professional development for educators in reliable, replicable research-based reading programs, and to promote literacy development, including cooperating with other entities that provide family literacy services. The center shall be responsible for:
- (a) Developing and implementing a clearinghouse for information about programs addressing reading and literacy from early childhood and the elementary grades (P-5) through adult education;
  - (b) Providing advice to the Kentucky Board of Education regarding the Reading Diagnostic and Intervention Grant Program established in KRS 158.792 and in other matters relating to reading;
  - (c) Collaborating with public and private institutions of postsecondary education and adult education providers to provide for teachers and administrators quality preservice and professional development relating to reading diagnostic assessments and intervention and to the essential components of successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and the connections between writing and reading acquisition and motivation to read;
  - (d) Collaborating with the Kentucky Department of Education to assist districts with students functioning at low levels of reading skills to assess and address identified literacy needs;
  - (e) Providing professional development and coaching for early childhood educators and classroom teachers, including adult education teachers, implementing selected reliable, replicable research-based reading programs. The professional development shall utilize technology when appropriate;
  - (f) Developing and implementing a comprehensive research agenda evaluating the early reading models implemented in Kentucky under KRS 158.792;
  - (g) Maintaining a demonstration and training site for early literacy located at each of the public universities;
  - (h) Assisting middle and high schools in the development of comprehensive adolescent reading plans and maintaining a repository of instructional materials or summary materials that identify comprehension best practices in the teaching of each subject area and a list of classroom-based diagnostic reading

comprehension assessments that measure student progress in developing students' reading comprehension skills; and

- (i) Evaluating the reading and literacy components of the model adult education programs funded under the adult education and literacy initiative fund created under KRS 151B.409.
- (2) The center shall review national research and disseminate appropriate research abstracts, when appropriate, as well as conduct ongoing research of reading programs throughout the state. Research activities undertaken by the center shall consist of descriptive as well as empirical studies.
  - (a) The center may contract for research studies to be conducted on its behalf.
  - (b) The research agenda should, at a minimum, consider the impact of various reading and intervention programs:
    - 1. In eliminating academic achievement gaps ~~for~~~~[among]~~ students~~[with differing characteristics]~~, including subpopulations of students with disabilities, students with low socioeconomic status, students from racial minority groups, students with limited English proficiency, and students of different gender;
    - 2. In schools with differing characteristics, such as urban versus rural schools, poverty versus nonpoverty schools, schools with strong library media center programs versus schools with weak library media center programs, and schools in different geographic regions of the state;
    - 3. In terms of their costs and effectiveness; and
    - 4. In maintaining positive student progress over a sustained period of time.
- (3) The center shall submit an annual report of its activities to the Kentucky Department of Education, the Governor, and the Legislative Research Commission no later than September 1 of each year.
- (4) With advice from the Department of Education, the Council on Postsecondary Education shall develop a process to solicit, review, and approve a proposal for locating the Collaborative Center for Literacy Development at a public institution of postsecondary education. The Council on Postsecondary Education shall approve the location. The center, in conjunction with the council, shall establish goals and performance objectives related to the functions described in this section.

➔Section 15. To ensure that school districts and schools are recognized and rewarded for academic improvement achieved by subgroups of students identified as consistently underperforming, the Kentucky Department of Education is encouraged to assign more weight within the academic indicators in the statewide accountability system for progress made toward goals by the subgroups.

**Signed by Governor April 24, 2020.**

## CHAPTER 113

( SB 174 )

AN ACT relating to elementary and secondary teachers and principals.

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

➔Section 1. KRS 161.1211 is amended to read as follows:

- (1) The Education Professional Standards Board shall rank teachers as follows:
  - (a) Rank I. Those holding regular certificates ~~and who have a master's degree in a subject field approved by the Education Professional Standards Board or equivalent continuing education and who have earned thirty (30) semester hours of approved graduate work or equivalent continuing education; or those teachers~~ who have met the requirements for Rank II and **have additionally** earned:
    - 1. ***A master's degree in a subject field approved by the Education Professional Standards Board or equivalent continuing education;***
    - 2. Initial certification of the National Board for Professional Teaching Standards; **or**

**3. *Thirty (30) additional semester hours of approved graduate work or equivalent continuing education.***

The board shall not allow a teacher who qualified for Rank I status on the basis of his or her national board certification to maintain that classification if the national board certificate is revoked for misconduct or voided for other reasons.

**(b) Rank II.** Those holding regular certificates and who:

- 1.** Have a master's degree in a subject field approved by the Education Professional Standards Board;
- 2. *Have earned initial certification of the National Board for Professional Teaching Standards;***  
or
- 3. *Have completed*** equivalent continuing education.

***The board shall not allow a teacher who qualified for Rank II status on the basis of his or her national board certification to maintain that classification if the national board certificate is revoked for misconduct or voided for other reasons.***

- (c) Rank III.** Those holding regular certificates and who have an approved four (4) year college degree or the equivalent.
- (d) Rank IV.** Those holding emergency certificates and who have ninety-six (96) to one hundred twenty-eight (128) semester hours of approved college training or the equivalent.
- (e) Rank V.** Those holding emergency certificates and who have sixty-four (64) to ninety-five (95) semester hours of approved college training or the equivalent.

- (2)** In determining ranks, the Education Professional Standards Board shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit or equivalent continuing education. The board, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.
- (3)** For purposes of the state salary schedule only as referenced in KRS 158.070, rank shall be determined on September 15 of each year.
- (4)** Nothing in this section shall allow the Education Professional Standards Board by regulation to reclassify downward any teachers in Ranks II or I.

➔Section 2. KRS 161.027 is amended to read as follows:

- (1)** The Education Professional Standards Board, pursuant to KRS 161.028, shall by administrative regulation establish requirements for a preparation program in institutions of higher education for all new applicants for principal certification and establish criteria for admission to the program.
- (2)** The Education Professional Standards Board and the Council on Postsecondary Education shall evaluate the preparation programs for principals and maintain only those institutional programs that can demonstrate both the quality and the capability to enroll adequate numbers of students to justify the resources necessary for maintenance of a quality program.
- (3)** The Education Professional Standards Board shall develop or select appropriate assessments for applicants seeking certification as principals, including ~~the~~
  - ~~(a) an assessment of the ability to apply knowledge, instructional leadership, management, and supervision skills; and~~
  - ~~(b) A specialized assessment on the current instructional and administrative practices in Kentucky public education.~~
- (4)** The Education Professional Standards Board shall establish the minimum score for successful completion of assessments and shall establish a reasonable fee to be charged applicants for the actual cost of administration of the assessments. The Education Professional Standards Board shall provide for confidentiality of assessment scores.
- (5)** The Education Professional Standards Board shall develop an internship program which shall provide for the supervision, assistance, and assessment of beginning principals and assistant principals. The internship shall not be required of applicants who have completed, within a ten (10) year period prior to making application, at

least two (2) years of successful experience as a principal in a school situation. The Education Professional Standards Board, by administrative regulation, shall establish the internship program.

- (6) The certification of principals shall require the successful completion of the examinations required by subsection (3) of this section. A one (1) year certificate may be given to a person who has:
  - (a) A comparable certificate from another state; or
  - (b) All other qualifications except the assessments and is selected as a principal or assistant principal in a district where the superintendent certifies to the Education Professional Standards Board that there is a limited number of applicants to meet the requirements.

Upon successful completion of the assessments, a certificate shall be issued for an additional four (4) years. A person employed in Kentucky as a principal or assistant principal who was certified in another state and practiced in that state for two (2) or more years is exempt from taking the assessment described in subsection (3)(a) of this section.

- (7) Upon successful completion of the approved preparation program and the assessments, the Education Professional Standards Board shall issue to the applicant a statement of eligibility for internship valid for five (5) years. If the applicant does not participate in an internship program within the five (5) year period, the applicant shall reestablish eligibility by repeating and passing the assessments in effect at that time or by completing a minimum of six (6) graduate hours, directly related to instructional leadership, management, or supervision, at a regionally or nationally accredited institution. The option for renewal through completion of graduate hours shall be available only for the first reestablishment of eligibility. Upon obtaining employment for an internship position as principal or assistant principal within the period of eligibility, the applicant shall be issued the appropriate one (1) year certificate for the position.
- (8) All applicants for principal certification, after successfully completing the assessments, shall successfully complete the internship program described in subsection (5) of this section for principal certification. If the principal's or assistant principal's internship performance is judged to be less than satisfactory pursuant to administrative regulations developed by the Education Professional Standards Board, the applicant for principal certification shall be provided with an opportunity to repeat the internship one (1) time if the applicant is employed by a school district as a principal or assistant principal.
- (9) Following successful completion of the internship program, the principal certificate shall be extended for four (4) years. Renewal of the certificate shall require the completion of a continuing education requirement as prescribed by the Education Professional Standards Board.

➔Section 3. KRS 157.395 is amended to read as follows:

- (1) Notwithstanding any other statute to the contrary, a public school teacher, or a secondary teacher employed in a Kentucky Tech school or career and technical education program operated by the Department of Education, who has attained certification from the National Board for Professional Teaching Standards as of July 14, 2000, ***through July 1, 2020, for thereafter*** shall receive an annual national board certification salary supplement of two thousand dollars (\$2,000) for the life of the certificate. ***A teacher who attains certification from the National Board for Professional Teaching Standards after July 1, 2020, shall receive an annual national board certification salary supplement for the life of the certificate in accordance with the amount appropriated for this purpose by the General Assembly. If an annual supplement amount appropriated by the General Assembly is less than two thousand dollars (\$2,000), the local board may provide an additional supplement up to the amount required for the total annual supplement to equal two thousand dollars (\$2,000).*** The supplement shall be added to:
  - (a) The teacher's base salary on the local board's single salary schedule and shall be considered in the calculation for contributions to the Kentucky Teachers' Retirement System; or
  - (b) The state-employed teacher's base salary and shall be considered in the calculation for contributions to the Kentucky Teachers' Retirement System.

If a nationally certified teacher becomes no longer employed as a classroom teacher or a teacher mentor in the field of his or her national certification, the supplement shall cease.

- (2) A local board of education or the Department of Education shall request reimbursement for these purposes from the fund to support education excellence described in KRS 157.330.

**Signed by Governor April 24, 2020.**

**CHAPTER 114****( SB 184 )**

AN ACT relating to grain.

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

➔Section 1. KRS 251.370 is amended to read as follows:

- (1) A licensee using paper scale tickets, settlement sheets, or purchase contracts shall comply with the following requirements:
  - (a) Documents shall be pre-numbered sequentially; and
  - (b) Settlement sheet information shall be cross-referenced with scale tickets.
- (2) A licensee using electronic scale tickets, settlement sheets, purchase contracts, or other documents shall conform to the formats and procedures required by the department.
- (3) A licensee shall provide, and make available to the department or the board, a complete and accurate set of business records, including:
  - (a) Records of all transactions, including records and accounts of all grains received and withdrawn or delivered;
  - (b) Records, filed in numerical order, of all scale tickets, warehouse receipts, and settlement sheets that have been issued, voiced, or lost; and
  - (c) Copies of contracts for the sale or storage of grain.
- (4) A licensee shall retain its business records for a minimum of four (4) years.
- (5) A licensed grain warehouse operator shall retain copies, either digitally or on paper, of warehouse receipts or other documents evidencing ownership of any grain, or any liability of the grain warehouse operator, so long as such documents evidence a valid ownership interest or debt. A licensee shall retain copies of such documents for a period of not less than four (4) years from the date when the ownership interest or debt was extinguished.
- (6) A licensee's accounting functions shall be performed in conformity with generally accepted accounting principles.
- (7) A licensee's business records shall accurately identify any liens or encumbrances on grain that is held or owned by the licensee.
- (8) ***Upon request by the board, a licensee or applicant for a license shall provide to the department either:***
  - (a) ***A review engagement report issued by an independent certified public accountant stating whether, based on the review, he or she is aware of any material modifications that should be made to the financial statements in order for them to be in accordance with the applicable reporting framework;***  
***or***
  - (b) ***An audit and written report issued by an independent certified public accountant expressing an opinion whether the financial statements are presented fairly, in all material aspects, in accordance with the applicable financial reporting framework***~~*{A licensee shall provide to the department at least once annually, and upon request, an audited financial statement that is certified by the licensee, its owner, or other officer to be an accurate reflection of the licensee's financial condition, except when exempted by KRS 251.440(5)}.*~~
- (9) The board, in conjunction with the department, shall have authority to promulgate administrative regulations setting forth additional recordkeeping requirements for licensees.

➔Section 2. KRS 251.440 is amended to read as follows:

- (1) Application for license as a grain warehouse operator or grain dealer shall:

- (a) Set forth the name of the applicant, its principal officer, if a corporation, or the active members of a partnership if a partnership;
  - (b) Identify 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;~~and~~
  - (c) Be accompanied by a bond as set forth in KRS 251.365. The bond shall run to the Commonwealth of Kentucky and be for the benefit of all persons storing grain in the licensee's warehouse or selling grain to the licensee; *and*
  - (d) *Be accompanied by a compilation of financial statements issued by a certified public accountant who has stated in writing whether he or she is independent from ownership and management, or one (1) of the documents identified in KRS 251.370(8), provided, however, a grain dealer license applicant whose total annual purchases in each of the last three (3) years did not exceed fifty thousand (50,000) bushels shall be exempt from the requirement set forth in this subsection.*
- (2) The department may deny a license to any applicant or revoke the existing license if the applicant or licensee:
- (a) Furnishes false or misleading information or conceals a material fact on the application or other supporting documents;
  - (b) Has been convicted of fraud or deceptive practice;
  - (c) Is currently adjudicated incompetent by a court of competent jurisdiction;
  - (d) Fails to maintain an asset to liability ratio of not less than one to one (1:1) or fails to post additional surety to cover the deficiency;
  - (e) Violates a provision of this chapter; or
  - (f) For other good cause shown.
- (3) Any person denied a license or whose license has been revoked for these reasons shall:
- (a) Be given written notice within thirty (30) working days of receipt of application or prior to revocation; and
  - (b) May request a hearing by writing to the board. Upon request, a hearing shall be conducted in accordance with KRS Chapter 13B.
- (4) The department shall not approve an application for a grain warehouse operator's license without first verifying that the *application meets the requirements of this section*~~applicant has a current audited financial statement and proof of insurance against risk of loss that is sufficient to cover all grain stored by the grain warehouse operator~~.
- (5) The department shall not approve an application for a grain dealer's license without first verifying that the *application meets the requirements of this section*~~applicant has a current audited financial statement. This requirement shall not apply to a grain dealer license applicant whose total annual purchases in each of the last three (3) years did not exceed fifty thousand (50,000) bushels~~.
- (6) *The department shall keep confidential, and not disclose to anyone other than the applicant or licensee, the documents identified in this section and Section 1 of this Act.*

Signed by Governor April 24, 2020.

## CHAPTER 115

### ( HB 369 )

AN ACT relating to cervid meat disposal.

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

➔Section 1. KRS 150.722 is amended to read as follows:

- (1) As used in this section:~~+~~



(a) "Cervid meat processor" means any person or business entity that:

1. ~~1. (a) Only~~ Butchers or makes meat products from meat that is not amenable under the Federal Meat Inspection Act, 21 U.S.C. secs. 601 et seq., and is exempt from mandatory inspection by the United States Department of Agriculture's Food Safety and Inspection Service;
2. ~~2. (b)~~ Has not been inspected and passed under voluntary Food Safety and Inspection Service inspection; and
3. ~~3. (c)~~ Is paid to butcher or make meat products for human consumption from ten (10) or more animals that are members of the animal family Cervidae per calendar year; ~~and~~ ~~and~~

(b) "***Butcher or meat processor***" means any person or business entity that:

1. ***Butchers or makes meat products from meat that is amenable under the Federal Meat Inspection Act, 21 U.S.C. secs. 601 et seq., and is not exempt from mandatory inspection by the United States Department of Agriculture's Food Safety and Inspection Service; and***
2. ***Has been inspected and passed under voluntary Food Safety and Inspection Service inspection.***

(2) Cervid meat processors, ***butchers or meat processors, and licensed taxidermists*** shall dispose of any unused ***cervid*** carcass material or ***cervid*** waste produced as a result of butchering, ~~or~~ making meat products, ***or preparing, stuffing, or mounting wildlife*** ~~from cervid meat~~ by:

- (a) ~~Complete incineration of the entire carcass and all of its parts and products;~~
- (b) ~~Boiling the carcass and all of its parts and products in water or heating it with steam at a temperature above boiling, continuously for two (2) hours or more;~~
- (c) ~~Burying the carcass and all of its parts and products in the earth at a point which is never covered with the overflow of ponds or streams and which is not less than one hundred (100) feet distant from any watercourse, sinkhole, well, spring, public highway, residence, or stable. The carcass shall be placed in an opening in the earth at least four (4) feet deep, the abdominal and thoracic cavities opened wide their entire length, and the entire carcass covered with two (2) inches of quicklime and at least three (3) feet of earth;~~
- ~~(d)~~ (b) Removal of the carcass by a duly licensed rendering establishment; ***or***
- ~~(e)~~ (c) Deposition of the carcass in a contained landfill approved pursuant to KRS Chapter 224. ~~;~~
- ~~(f) Composting of the carcass in a facility according to the Board of Agriculture's administrative regulations and approved in accordance with KRS Chapter 224;~~
- (g) ~~Any combination of the methods set forth in paragraphs (a) to (f) of this subsection; or~~
- (h) ~~Any other scientifically proven method of disposal approved by the Board of Agriculture.~~

➔ Section 2. KRS 150.010 is amended to read as follows:

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

- (1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, jugging, setline, or sport fishing trotline;
- (2) "Buy" includes offering to buy, acquiring, or possessing through purchase, barter, exchange, or trade;
- (3) "Commercial trotline" means a line to which are attached more than fifty (50) single or multibarbed baited hooks, which shall not be placed closer than eighteen (18) inches;
- (4) "Commission" means the Department of Fish and Wildlife Resources Commission;
- (5) "Commissioner" means the commissioner of the Department of Fish and Wildlife Resources;
- (6) "Conservation officer" means any member of the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division, pursuant to KRS 150.090, who possesses the powers of a peace officer;
- (7) "Daylight hours" means the period from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset;
- (8) "Device" means any article, instrument, or equipment of whatever nature or kind which may be used to take wild animals, wild birds, or fishes;

- (9) "Department" means the Department of Fish and Wildlife Resources;
- (10) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not;
- (11) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of any rigid object;
- (12) "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with the aid of a handled hook;
- (13) "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not;
- (14) "Identification tag" means a marker made of specified material upon which a name and address or number is placed and attached to unattended gear to designate ownership or responsible operator;
- (15) "Impounded waters" means any public waters backed up behind a dam and includes all water upstream from the dam to the first riffle or shoal;
- (16) "Jugging" means a means of fishing by which a single baited line is attached to any floating object;
- (17) "License" means any document issued by the department authorizing its holder to perform acts authorized by the license and includes any other form of authorization in addition to or in lieu of an actual document which may be authorized by the department by administrative regulation;
- (18) "Light geese" means snow geese and Ross's geese;
- (19) "Light geese conservation order" means a wildlife management action needed to control populations of light geese for a period of time established pursuant to 50 C.F.R. sec. 21.60;
- (20) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (21) "Migratory shore or upland game birds" means all species of migratory game birds except waterfowl;
- (22) "Minnows" means all fish under six (6) inches in length, except basses, either largemouth, smallmouth or Kentucky; rock bass or goggle-eye; trout; crappie; walleye; sauger; pike; members of the striped bass family; and muskellunge;
- (23) "Navigable waters" means any waters within this state under lock and dam;
- (24) "Nonresident" means a person who has not established a permanent domicile in this state and has not resided in this state for thirty (30) days immediately prior to his application for a license;
- (25) "Permit" means any document issued by the department authorizing its holder to perform acts authorized by the permit and includes tags or devices as evidence of holding a permit and includes any other form of authorization in addition to or in lieu of an actual document authorized by the department by administrative regulation;
- (26) "Possess" means the act of having or taking into control;
- (27) "Prescribed by the department" means established by an administrative regulation;
- (28) "Processed wildlife" means any wildlife specimen or parts thereof that have been rendered into a permanently preserved state;
- (29) "Protected wildlife" means all wildlife except those species declared unprotected by administrative regulations promulgated by the department;
- (30) "Public roadway" includes rural roads, highways, bridges, bridge approaches, city streets, viaducts, and bridges which are normally traveled by the general public and are under the jurisdiction of a state, federal, county, or municipal agency;
- (31) "Public waters" means all waters within the state flowing in a natural stream channel or impounded on a natural stream;
- (32) "Raw fur" means a hide, fur, or pelt of a fur-bearing animal which has not been processed. Skinning, stretching, oiling, or coloring of the pelt of the animal shall not be considered processing;
- (33) "Administrative regulation" means a written regulation promulgated, pursuant to KRS Chapter 13A, by the commissioner with the approval of the commission;

- (34) "Resident" means any person who has established permanent domicile and legal residence and has resided in this state for thirty (30) days immediately prior to his application for a license. All other persons shall be classed as nonresidents, except students enrolled for at least six (6) months in an educational institution as full-time students and military personnel of the United States who are under permanent assignment, shall be classified as residents while so enrolled or assigned in this state;
- (35) "Resist" means to leave the scene, intimidate or attempt to intimidate in any manner, or further interfere in any manner with any officer in the discharge of his duties;
- (36) "Rough fish" means all species of fishes other than those species designated by administrative regulation as sport fishes;
- (37) "Sell" includes offering to sell, having or possessing for sale, barter, exchange, or trade;
- (38) "Setline" means a line to which is attached one (1) single or multibarbed hook. This line may be attached to a tree limb, tree trunk, bank pole, or other stationary object, on the bank of a stream or impoundment;
- (39) "Snagging" means the taking of fish or other aquatic animals through the use of a hand-held pole and attached line with single or multiple fish hooks in which the fish is hooked by a rapid drawing motion rather than enticement by bait;
- (40) "Sports fishing trotline" means a line to which are attached no more than fifty (50) single or multibarbed baited hooks which shall not be placed closer together than eighteen (18) inches;
- (41) "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture wildlife in any way and any lesser act designed to lure, attract, or entice for these purposes; and to place, set, aim, or use any device, animal, substance, or agency which may reasonably be expected to accomplish these acts; or to attempt to do these acts or to assist any other person in the doing of or the attempt to do these acts;
- (42) "Tenant" means any resident sharecropper, lessee, or any other person actually engaged in work upon a farm or lands and residing in a dwelling on the farms or lands including noncontiguous lands, but shall not include any other employee or tenant unless actually residing on the property and engaged or employed as above mentioned;
- (43) "Transport" means to carry, move, or ship wildlife from one place to another;
- (44) "Waterfowl" means all species of wild ducks, geese, swans, mergansers, and coots; ~~and~~
- (45) "Wildlife" means any normally undomesticated animal, alive or dead, including without limitations any wild mammal, bird, fish, reptile, amphibian, or other terrestrial or aquatic life, whether or not possessed in controlled environment, bred, hatched, or born in captivity and including any part, product, egg, or offspring thereof, protected or unprotected by this chapter; *and*
- (46) *"Cervid" means a hoofed mammal from the family Cervidae, including but not limited to white-tailed deer, mule deer, elk, moose, and caribou.*

**Signed by Governor April 24, 2020.**

## CHAPTER 116

### ( HJR 105 )

A JOINT RESOLUTION designating honorary names for various roads and bridges and directing the placement of honorary roadside signs.

WHEREAS, Cpl. Charles M. Jones was born on April 12, 1925, in the Harlan County community of Verda; and

WHEREAS, when he was 18, Cpl. Charles M. Jones was drafted into the United States Army on September 29, 1943, during WWII; and

WHEREAS, Cpl. Charles M. Jones was later assigned to the Overseas Replacement Company and Ft. Meade, Maryland and later shipped to England. He was assigned to the 9th Infantry Division and trained for the D-Day invasion; and

WHEREAS, on June 7, 1944, the ship that Cpl. Charles M. Jones was on unloaded its troops at Utah Beach in Normandy, France. It was there where the war began for him and his unit; and

WHEREAS, Cpl. Charles M. Jones and his unit cleared Beachhead of fallen service members and equipment. While fighting in WWII, Cpl. Charles M. Jones was wounded at St. Lo, France, treated in England, and returned to duty; and

WHEREAS, Cpl. Charles M. Jones bravely fought in five different Campaigns. Through his valor he was awarded: the Combat Infantry Badge, the Bronze Star, the Purple Heart, the European Theater Medal with Five Campaign Stars, the Good Conduct Medal, the Distinguished Unit Citation, and several others; and

WHEREAS, this bridge designation will serve as a constant reminder of the service of Cpl. Charles M. Jones, and how he helped to protect the freedoms of our great nation; and

WHEREAS, from time to time, the General Assembly has seen fit to honor various Kentuckians by naming portions of state highways and erecting commemorative roadway signs in their honor; and

WHEREAS, these Kentuckians have come from all walks of life, held a multitude of jobs, and had a variety of accomplishments that made them deserving of the honor; and

WHEREAS, these individuals have included former Governors, former members of the General Assembly, decorated veterans, slain law enforcement officers, local elected officials, astronauts, doctors, educators, distinguished athletes, and civic leaders; and

WHEREAS, every citizen of the Commonwealth owes a great debt of gratitude to the patriotic men and women killed and wounded in service to their country in times of great need; and

WHEREAS, the General Assembly has often honored the veterans of this state by naming portions of several roads, from interstates to small two-lane country roads, in their honor; and

WHEREAS, the General Assembly again sees fit to honor a group of individuals who have made the lives of their fellow Kentuckians better and brought honor and respect to the Commonwealth;

NOW, THEREFORE,

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

➔Section 1. The Transportation Cabinet shall designate the bridge on Kentucky Route 1601 in Harlan County, at mile point 2.184 as the "Cpl. Charles M. Jones Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 2. The Transportation Cabinet shall designate Interstate 75, at mile-point 22 in Whitley County as the "Veterans Suicide Memorial Mile," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 3. The Transportation Cabinet shall designate the bridge on Kentucky Route 321 in Johnson County that crosses over Kentucky Route 1428 (Bridge # 058B00040N) as the "Ballard Shepherd Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 4. The Transportation Cabinet shall designate Interstate 64 in Jefferson County, from the 3rd Street exit to the 9th Street exit, as the "Det. Deidre "Dee Dee" Mengedoht Memorial 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 designate Kentucky Route 869 in Metcalfe County, from mile point 0.0 to mile point 4.968 as the "Sheriff Ricky Brooks Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 6. The Transportation Cabinet shall designate the portion of Kentucky Route 81 in Muhlenberg County, from the intersection with United States Route 431 to the McLean County line, as the "Representative Charles 'Preacher' Nelson Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 7. The Transportation Cabinet is directed to honor Bailey Hubbard by placing honorary signs on United States Highway 421, in Clay County, at mile point 17.8 North and mile point 19.9 South, that read "Home of Bailey Hubbard, Kentucky's Miss Golf 2016." 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 8. The Transportation Cabinet shall designate Kentucky Route 57 in Fleming County, from mile point 1.805 to mile point 5.282, as the "Elbert Eugene 'Gene' Staggs Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 9. The Transportation Cabinet shall designate the bridge on Kentucky Route 899 in Knott County at mile point 10.884 (Bridge # 060B00042N) as the "Private Donald Douglas Gibson Memorial Bridge, KIA Korean War," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 10. The Transportation Cabinet shall designate Kentucky Route 3337 in Magoffin County as the "Oscar Green Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 11. The Transportation Cabinet shall designate the bridge on United States Route 68 over Kentucky Route 453 (Forest Highway 100) as the "Between the Rivers Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation. The signs erected under this section shall read:

"Between the Rivers Bridge  
In Memory of All Former Residents".

➔Section 12. The Transportation Cabinet is directed to honor Conner Ford by placing honorary signs in Rockcastle County at mile marker 5 on Kentucky Route 461 that read "Home of Conner "Smoke" Ford, 2019 National Drive, Chip, and Putt Champion." 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 13. The Transportation Cabinet is directed to honor the Kentucky Motion Picture and Television Hall of Fame by erecting signs on United States Highway 27 and Kentucky Route 52 at the Lancaster city limits in Garrard County that read, "Home of the Kentucky Motion Picture Hall of Fame." 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 its placement.

➔Section 14. The Transportation Cabinet shall honor the accomplishments of Tyler Childers by including him on the Country Music Highway on United States Highway 23 in Lawrence County.

➔Section 15. The Transportation Cabinet shall place signage on United States Highway 27 in Pendleton County, at mile point 9.1 and mile point 9.5, declaring Pendleton County as the "Home of Dontaie Allen, 2019 KY Mr. Basketball." 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 16. The Transportation Cabinet shall designate Kentucky Route 44 from mile marker 12.574 to mile marker 13.309 in Bullitt County and erect signs that read:

"Lieutenant Scotty McGaha  
Bullitt County Deputy Sheriff  
Memorial Highway".

The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 17. The Transportation Cabinet is directed to honor the Bullitt East High School Cheerleading Team by placing an honorary sign on Kentucky Route 44 in Bullitt County in front of Bullitt East High School that read, "Home of Bullitt East High School Cheer Team 2020 National Champs & 6-time KHSAA Champs." The sign 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 its placement.

➔Section 18. The Transportation Cabinet shall designate Kentucky Route 2009 in Leslie County, from mile marker 3.552 to mile marker 6.830 as the "Bertha Mae Lewis Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 19. The Transportation Cabinet shall designate the Clover Fork River bridge on Kentucky Route 38, at the 0.926 mile marker in Harlan County in honor of Master Sergeant Otis Edward Ward and erect signs that read:

"MSGT Otis Edward Ward

MIA Korean War

Memorial Bridge".

The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 20. The Transportation Cabinet shall designate the bridge at Bobs Creek at the intersection of Kentucky Route 3001 and Kentucky Route 1556 in Harlan County in honor of Private First Class Beacher O. Howard and erect signs that read:

"PFC Beacher O. Howard

Memorial Bridge".

The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 21. The Transportation Cabinet shall designate Kentucky Route 90 in Barren County, from mile point 9.923 to mile point 11.131, as the "Michael Timothy Swift Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 22. The Transportation Cabinet is directed to honor the Eastside Middle School Cheerleaders by placing an honorary sign on Kentucky Route 44 in front of Eastside Middle School in Bullitt County, that read:

"Home of the Eastside Middle School Cheerleaders

2016-2020 National Champions

2013-2020 State Champions".

The sign 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 23. The Transportation Cabinet is directed to honor Byron Woolum by placing an honorary sign on the northbound lane of Kentucky Route 718 near mile point 7.35 in Knox County that reads, "Home of Byron Woolum, Professional Checkers Player." The sign 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 its placement.

➔Section 24. The Transportation Cabinet shall, within 30 days of the effective date of this Resolution, erect honorary signs at Kentucky Route 163 southbound, at the intersection with Commerce Drive, and on Kentucky Route 100 northbound, 300 yards north of the Old Gamaliel Road intersection, that read "Monroe County, Home of the 2019 KHSAA Class A Pole Vault and High Jump State Champion, Grace Turner." The signs erected under this section shall remain in place for at least one year from the date of their placement.

➔Section 25. The Transportation Cabinet shall designate the Buckeye Fork bridge on Kentucky Route 718, near mile point 7.35 in Knox County as the "Reverend Ray Bays Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 26. The Transportation Cabinet shall designate United States Highway 460 in Menifee County, from just east of its intersection with Kentucky Route 36, to mile point 15.38 near Botts Christian Church in the community of Denniston, as the "Botts Brothers Veteran Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 27. The Transportation Cabinet is directed to honor the Middlesboro High School Cheerleading Team by placing an honorary sign on Kentucky Route 74 in Bell County in front of Middlesboro High School that reads "Home of the Middlesboro High School Cheer Team, 2019 All 'A' State Champs." The sign 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 its placement.

➔Section 28. The Transportation Cabinet is directed to place an honorary sign at the Kentucky Route 15/Clay City exit off the Mountain Parkway (Exit 16) that reads "Home of the Dr. Brad Morris, 1997 KHSAA State Golf Champion, 1997 Kentucky Mr. Golf." The sign 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 its placement.

➔Section 29. The Transportation Cabinet shall designate Kentucky Route 201 in Lawrence County as the "Wells Brothers Veteran Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 30. The Transportation Cabinet shall designate the bridge on United States Route 60 over Benson Creek at the Shelby/Franklin County line (Bridge # 106B00095N) as the "Drexel R. Davis, Sr. Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 31. The Transportation Cabinet shall designate Kentucky Route 377 in Rowan County, from the Tilden Hogge Elementary School to the Route 377 Volunteer Fire Station, as the "Capt. Kenneth Allen Nickell and Firefighter Kevin Rex Smith Memorial Highway," 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 90 in McCreary County as the "Jimmie W. Greene Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 33. The Transportation Cabinet shall designate Kentucky Route 3106 in Wayne County as the "Osby Neal Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 34. The Transportation Cabinet shall, within 30 days of the effective date of this Resolution, erect honorary signs on United States Route 60 in Boyd County, near Blazer Boulevard, that read "Ashland, Home of the Ashland Tomcats Boys' Basketball Team, Undefeated 2020 16th Region Champions, 33-0". The signs erected under this section shall remain in place for at least one year from the date of their placement.

➔Section 35. The Transportation Cabinet shall designate Kentucky Route 7 in Elliott County, from its intersection with Kentucky Route 32 to its intersection with Kentucky Route 409, as the "John M. Clevenger Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 36. The Transportation Cabinet shall designate the bridge on United States Highway 25 in Madison County over Silver Creek (Bridge # 76B00110N) as the "Dr. Clifford F. Kirby Memorial Bridge," as shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 37. The Transportation Cabinet shall designate Kentucky Route 388 in Madison County, from its intersection with United States Route 25X (mile point 0) to its intersection with Kentucky Route 1986 (mile point 1.967), as the "Judge James S. Chenault Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 38. The Transportation Cabinet shall designate Kentucky Route 1426 in Floyd County, from the intersection with United States Route 23 (mile point 0) to the intersection with Kentucky Route 680 (mile point 7.684), as the "CPL Jeff Mulkey, KIA Vietnam War, Memorial Highway" and shall, within 30 days of the effective date of the Resolution, erect appropriate signs denoting this designation.

➔Section 39. The Transportation Cabinet shall designate Kentucky Route 908 in Martin County, from 714 Cold Water Rd. (near mile point 4.76) to its intersection with Creekwood Estates (near mile point 2.85), as the "Harless Family Veterans 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 the bridge on United States Route 460 in Magoffin County over White Oak Creek as the "Robin Holbrook Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 41. The Transportation Cabinet is directed to honor the Somerset High School Football Team by placing honorary signs on Kentucky Route 80 in Pulaski County near the Somerset welcome sign and on Kentucky Route 2296 in front of Somerset High School that read:

"Home of the  
Somerset High School Football Team  
2019 KHSAA Class 2A State Champs."

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 42. The Transportation Cabinet is directed to honor Paisley Carrigan by placing honorary signs on Kentucky Route 70 at the Pulaski County/Lincoln County line, and on Kentucky Route 70 in front of Eubank Elementary School that read "Home of Paisley Carrigan, Little Miss US 2019." 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 43. The Transportation Cabinet shall designate Kentucky Route 1268 in Jessamine County as the "Bernard T. Moynahan Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 44. The Transportation Cabinet shall designate Kentucky Route 1056 in Pike County, from the intersection with Kentucky Route 199 to the intersection with Kentucky Route 3419, as the "Thurman W. 'Punch' May Memorial Highway," 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 United States Highway 150 from the Lincoln County line to the Stanford city limits in honor of Neal James, and shall, within 30 days of the effective date of this Resolution, erect signage for the highway designation that reads "Neal James Memorial Highway 'The Banjo Man'".

➔Section 46. The Transportation Cabinet is directed to designate Kentucky Route 1575 in Pulaski County, from its intersection with Kentucky Route 1247 to its intersection with Kentucky Route 39, as the "William 'Bill' Ray 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 338 in Boone County, from mile marker 10.643 to mile marker 11.974, as the "Gary Leslie Moore Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 48. The Transportation Cabinet shall designate the bridge on Kentucky Route 40 in Martin County over Rockhouse Fork (Bridge Number 080B0004) as the "PFC Thomas Randell Ramey Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 49. The Transportation Cabinet shall designate Kentucky Route 3006 in Laurel County as the "Tom Jensen Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 50. The Transportation Cabinet shall designate the bridge on Kentucky Route 160, in Harlan County at mile point 11.314 as the "1SGT John D. Blair Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect appropriate signage.

➔Section 51. The Transportation Cabinet shall designate the bridge on Kentucky Route 119 at mile marker 28.394 in honor of Corporal Ben Eversole and shall erect signs that read:

"Corporal Ben Eversole  
POW WWII  
Memorial Bridge."

The signs shall be erected within 30 days of the effective date of this Resolution.

➔Section 52. The Transportation Cabinet shall honor the accomplishments of Bennie Rose by including him on the Country Music Highway on United States Highway 23 in Pike County.

➔Section 53. The Transportation Cabinet shall designate the portion of United States Route 127 in Clinton County, from mile point 3.008 to mile point 9.313, as the "Lt. Garlin Murl Conner Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation. The signs erected under this section shall indicate that Lt. Conner was a recipient of the Medal of Honor.

➔Section 54. 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 "Brigadier General Charles Young Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 55. The Transportation Cabinet is directed to place honorary signage on United States Highway 421 in Clay County, Northbound near mile point 16.9, just north of Wendy's, that reads:

"Welcome to Manchester  
Home of the  
Big Hickory Golf Course"



## &amp; PGA Golf Pro

Tyler "Chip" McDaniel."

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 56. The Transportation Cabinet is directed to honor the Middlesboro High School Football Team by placing an honorary sign on Kentucky Route 74 in Bell County in front of Middlesboro High School that reads "Home of the Middlesboro High School Football Team, 1998 Class A State Champs." The sign 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 its placement.

➔Section 57. The Transportation Cabinet is directed to honor the Middlesboro High School Fast Pitch Softball Team by placing an honorary sign on Kentucky Route 74 in Bell County in front of Middlesboro High School that reads "Home of the Middlesboro High School Fast Pitch Softball Team, 2004 Class A State Champs." The sign 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 its placement.

➔Section 58. The Transportation Cabinet shall designate a portion of Kentucky Route 150 in Washington County, from its intersection with Kentucky Route 55 to its intersection with United States Highway 150X (mile point 7.9 to mile point 11.1) as the "Norma Settles Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 59. The Transportation Cabinet shall designate a portion of Kentucky Route 11 in Clay County, from mile point 20.954 to mile point 23.193, as the "PFC Clinton Mobley WWII Purple Heart Recipient Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

**Signed by Governor April 24, 2020.**

## CHAPTER 117

( SB 21 )

AN ACT relating to veterinarians.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 321 IS CREATED TO READ AS FOLLOWS:

*If a veterinarian finds that an animal with which he or she has a veterinarian-client-patient relationship has been abused in violation of KRS 525.125, 525.130, 525.135, or 525.137, the veterinarian may make a report to:*

- (1) *The Office of the State Veterinarian for any animal for which an on-farm livestock or poultry care standard has been promulgated under KRS 257.196; or*
- (2) *Law enforcement for any other animal.*

➔Section 2. 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. *On the veterinarian's receipt of:*
    - a. A written authorization or other form of waiver executed by the client; or
    - b. ~~[2.]~~ An appropriate court order or subpoena; *or*
  - 2. *In cases of animal abuse, pursuant to Section 1 of this Act.*
- (c) A veterinarian who releases information 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.

**Signed by Governor April 24, 2020.**

## **CHAPTER 118**

**( SB 149 )**

AN ACT relating to veterans.

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

➔Section 1. KRS 40.317 is amended to read as follows:

~~The [No later than June 30, 2008, the]~~ Kentucky Department of Veterans' Affairs shall employ no ~~more~~ ~~[fewer]~~ than five (5) veterans' benefits regional administrators and no fewer than twenty (20) veterans' benefits field representatives.

- (1) The duties of a veterans' benefits regional administrator shall include but not be limited to supervision of veterans' benefits field representatives in an assigned region ~~and representation of veterans in administrative hearings and before the Board of Veterans' Appeals~~.
- (2) The duties of a veterans' benefits field representative shall include but not be limited to providing assistance to veterans and their dependents with initiation, preparation, documentation, and adjudication of claims to benefits under federal, state, or local laws.

➔Section 2. KRS 40.325 is amended to read as follows:

- (1) *As used in this section, "nurse aide" means an individual who has successfully completed the nurse aide training and competency evaluation program and may include a nursing student, medication aide, or a person employed through a nursing pool who provides nursing or nursing-related services to a resident in a nursing facility, excluding:*
  - (a) *An individual who is a licensed health professional;*
  - (b) *A volunteer who provides the nursing or nursing-related services without monetary compensation; or*
  - (c) *A person who is hired by the resident or family to sit with the resident and who does not perform nursing or nursing-related services.*
- (2) There shall be established and maintained in the Commonwealth of Kentucky state veterans' nursing homes to provide long-term care to veterans who are residents of Kentucky.
- (3)~~[(2)]~~ There is created the Office of Kentucky Veterans' Centers within the Department of Veterans' Affairs. The office shall be headed by an executive director appointed pursuant to KRS 12.050. The office shall operate the Kentucky state veterans' nursing homes. The Department of Veterans' Affairs may promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations.
- (4)~~[(3)]~~ The Department of Veterans' Affairs may seek federal and private funding for the construction or renovation, and operation of Kentucky state veterans' nursing homes.
- (5)~~[(4)]~~ The executive director of the Office of Kentucky Veterans' Centers, with the approval of the commissioner of the Department of Veterans' Affairs, may contract to hire licensed nurses *and nurse aides* in order to provide needed long-term care of veterans in residence at state veterans' nursing homes, and those contracts shall not be subject to KRS 45A.550 to 45A.554 or 45A.690 to 45A.725.

➔Section 3. KRS 45A.690 is amended to read as follows:

- (1) As used in KRS 45A.690 to 45A.725:
  - (a) "Committee" means the Government Contract Review Committee of the Legislative Research Commission;
  - (b) "Contracting body" means each state board, bureau, commission, department, division, authority, university, college, officer, or other entity, except the Legislature, authorized by law to contract for personal services. "Contracting body" includes the Tourism Development Finance Authority with regard to tax incentive agreements;
  - (c) "Governmental emergency" means an unforeseen event or set of circumstances that creates an emergency condition as determined by the committee by promulgation of an administrative regulation;
  - (d) "Memorandum of agreement" means any memorandum of agreement, memorandum of understanding, program administration contract, interlocal agreement to which the Commonwealth is a party, privatization contract, or similar device relating to services between a state agency and any other governmental body or political subdivision of the Commonwealth or entity qualified as nonprofit under 26 U.S.C. sec. 501(c)(3) not authorized under KRS Chapter 65 that involves an exchange of resources or responsibilities to carry out a governmental function. It includes agreements by regional cooperative organizations formed by local boards of education or other public educational institutions for the purpose of providing professional educational services to the participating organizations and agreements with Kentucky Distinguished Educators pursuant to KRS 158.782. This definition does not apply to:
    1. Agreements between the Transportation Cabinet and any political subdivision of the Commonwealth for road and road-related projects;
    2. Agreements between the Auditor of Public Accounts and any other governmental agency or political subdivision of the Commonwealth for auditing services;
    3. Agreements between state agencies as required by federal or state law;
    4. Agreements between state agencies and state universities or colleges only when the subject of the agreement does not result in the use of an employee or employees of a state university or college by a state agency to fill a position or perform a duty that an employee or employees of state

government could perform if hired, and agreements between state universities or colleges and employers of students in the Commonwealth work-study program sponsored by the Kentucky Higher Education Assistance Authority;

5. Agreements involving child support collections and enforcement;
  6. Agreements with public utilities, providers of direct Medicaid health care to individuals except for any health maintenance organization or other entity primarily responsible for administration of any program or system of Medicaid managed health care services established by law or by agreement with the Cabinet for Health and Family Services, and transit authorities;
  7. Nonfinancial agreements;
  8. Any obligation or payment for reimbursement of the cost of corrective action made pursuant to KRS 224.60-140;
  9. Exchanges of confidential personal information between agencies;
  10. Agreements between state agencies and rural concentrated employment programs;
  11. Any other agreement that the committee deems inappropriate for consideration;
- (e) "Motion picture or entertainment production" means the same as defined in KRS 148.542;
- (f) "Multicontract" means a group of personal service contracts between a contracting body and individual vendors providing the same or substantially similar services to the contracting body that, for purposes of the committee, are treated as one (1) contract;
- (g) *"Nurse aide" means an individual who has successfully completed the nurse aide training and competency evaluation program and may include a nursing student, medication aide, or a person employed through a nursing pool who provides nursing or nursing-related services to a resident in a nursing facility, excluding:*
- (a) *An individual who is a licensed health professional;*
  - (b) *A volunteer who provides the nursing or nursing-related services without monetary compensation; or*
  - (c) *A person who is hired by the resident or family to sit with the resident and who does not perform nursing or nursing-related services.*
- (h) "Personal service contract" means an agreement whereby an individual, firm, partnership, or corporation is to perform certain services requiring professional skill or professional judgment for a specified period of time at a price agreed upon. It includes all price contracts for personal services between a governmental body or political subdivision of the Commonwealth and any other entity in any amount. This definition does not apply to:
1. Agreements between the Department of Parks and a performing artist or artists for less than five thousand dollars (\$5,000) per fiscal year per artist or artists;
  2. Agreements with public utilities, foster care parents, providers of direct Medicaid health care to individuals except for any health maintenance organization or other entity primarily responsible for administration of any program or system of Medicaid managed health care services established by law or by agreement with the Cabinet for Health and Family Services, individuals performing homemaker services, and transit authorities;
  3. Agreements between state universities or colleges and employers of students in the Commonwealth work study program sponsored by the Kentucky Higher Education Assistance Authority;
  4. Agreements between a state agency and rural concentrated employment programs;
  5. Agreements between the State Fair Board and judges, officials, and entertainers contracted for events promoted by the State Fair Board;
  6. Agreements between the Department of Public Advocacy and attorneys for the representation of indigent clients who are entitled to representation under KRS Chapter 31 and who, by reason of conflict or otherwise, cannot be represented by the department, subject to quarterly reports of all such agreements to the committee;

7. Agreements between the Office of Kentucky Veterans' Centers and licensed nurses *and nurse aides* in order to provide critically needed long-term care to Kentucky veterans who are residents in state veterans' nursing homes pursuant to KRS 40.325; or
  8. Any other contract that the committee deems inappropriate for consideration;
  - (i)~~(h)~~ "Tax incentive agreement" means an agreement executed under KRS 148.546; and
  - (j)~~(i)~~ "Tourism Development Finance Authority" means the authority established by KRS 148.850.
- (2) Compliance with the provisions of KRS 45A.690 to 45A.725 does not dispense with the requirements of any other law necessary to make the personal service contract or memorandum of agreement valid.

**Signed by Governor April 24, 2020.**

## CHAPTER 119

( HB 411 )

AN ACT relating to security interests.

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 (6)~~(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 ***which shall be deemed to have occurred when the provisions of subsection (3) of this section have been complied with. Discharge of a security interest shall be by notation on the certificate of title.*** Notation shall be made by the entry of information required by subsection (9)~~(7)~~ 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 ten (10) 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) 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) ***A motor vehicle dealer, a secured party or its representative, an assignee of a retail installment contract lender, or a county clerk shall rely on a county of residence designated by the debtor on any approved, notarized state form utilized in lien titling or the title transfer process signed by the debtor. Reliance on the foregoing by the motor vehicle dealer, secured parties, and county clerk shall relieve those persons from liability to any third party claiming failure to comply with this section.***
- (3) Except as provided in subsection (6)~~(4)~~ of this section, the notation of security interests relating to property required to be titled ***under this chapter*** in Kentucky through the county clerk shall be done in the office of the county clerk of the county in which the debtor resides ***as determined by subsections (2) and (4) of this section. The security interest shall be deemed to be noted on the certificate of title and perfected, or deemed perfected at the time the security interest attaches as provided in KRS 355.9-203, if in compliance with KRS 186A.195(5), when a title lien statement:***
  - (a) ***Is received by the county clerk in the county in which residence of the debtor resides as determined under the provisions of this section together with the required fees, as designated by the debtor in the sworn statement;***
  - (b) ***Describes the titled vehicle, or vehicle to be titled, by year, model, make, and vehicle identification number;***

- (c) *Provides the name of the secured party, or a representative of the secured party, together with the additional information about the secured party required by subsection (9) of this section with reasonable particularity; and*
  - (d) *Includes the date and time-stamped entry of the notation of the security interest by the county clerk of the required information in the Automated Vehicle Information System (AVIS), or its successor title processing system maintained by the Division of Motor Vehicle Licensing of the Transportation Cabinet.*
- (4) **Except as provided in subsection (6) of this section,** 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.

(5)~~(3)~~ Except as provided in subsection ~~(6)~~~~(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.

~~(6)~~~~(4)~~ Notwithstanding subsections (1) *to* ~~(5)~~, ~~(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 ownership document to a vehicle, clear of all prior liens, to a person after he or she provides to the county clerk an affidavit devised by the Transportation Cabinet and completed by the person. The ownership document presented as a result of this affidavit shall be in accordance with subsection ~~(7)~~~~(5)~~ of this section. In the affidavit, the affiant shall attest that:

- (a) The affiant or the agent of the affiant possesses the vehicle;
- (b) Before he or she provided the notices required by paragraphs (c) and (d) of this subsection:
  - 1. A debt on the vehicle has been owed him or her for more than thirty (30) days;
  - 2. Within thirty (30) days of payment of damages by an insurance company and receipt by the current owner of the motor vehicle or lienholder of damages pursuant to a claim settlement which required transfer of the vehicle to the insurance company, the insurance company has been unable to obtain:
    - a. A properly endorsed certificate of title on the vehicle from the current owner; and
    - b. If applicable, any lien satisfactions; or
  - 3. a. The vehicle was voluntarily towed or transported pursuant to a request of the current owner or an insurance company that a motor vehicle dealer, licensed as a used motor vehicle dealer and motor vehicle auction dealer, take possession of and store the motor vehicle in the regular course of business; and
  - b. Within forty-five (45) days of taking possession of the motor vehicle, the motor vehicle dealer has not been paid storage fees by the current owner or lienholder and has not been provided both a properly endorsed certificate of title and if applicable, any lien satisfactions;
- (c) More than thirty (30) days before presenting the affidavit to the county clerk, the affiant attempted to notify the owner of the vehicle and all known lienholders, including those noted on the title, by certified mail, return receipt requested, or by a nationally recognized courier service, of his or her name, address, and telephone number as well as his or her intention to obtain a new title or salvage title, as applicable, clear of all prior liens, unless the owner or a lienholder objects in writing;
- (d) More than fourteen (14) days before presenting the affidavit to the county clerk, the affiant had published a legal notice stating his or her intention to obtain title to the vehicle. The legal notice appeared at least twice in a seven (7) day period in a newspaper with circulation in the county. The legal notice stated:
  - 1. The affiant'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 affiant'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 affiant's right to obtain title to the vehicle.
- ~~(7)(5)~~ (a) If subsection ~~(6)(4)~~(b)1. of this section applies, the new ownership document shall be a title.
- (b) If subsection ~~(6)(4)~~(b)2. or 3. of this section applies, the new ownership document shall be a salvage title if the vehicle meets the requirements for a salvage title as stated in KRS 186A.520(1)(a).
- (c) If subsection ~~(6)(4)~~(b)2. or 3. of this section applies and the vehicle does not meet the requirements for a salvage title as stated in KRS 186A.520(1)(a), the new ownership document shall be a title.
- ~~(8)(6)~~ No more than two (2) active security interests may be noted upon a certificate of title.
- ~~(9)(7)~~ 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.
- ~~(10)(8)~~ 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.
- ~~(11)(9)~~ 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 186A.190~~(9)(7)~~. 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~~(9)(7)~~ 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~~(9)(7)~~. 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~~(9)(7)~~ 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) 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) 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~~(9)~~~~[(7)]~~ into the automated system.
- (4) The county clerk shall record upon the title in the appropriate section the information designated by KRS 186A.190~~(9)~~~~[(7)]~~.

**Signed by Governor April 24, 2020.**

## CHAPTER 120

### ( HB 29 )

AN ACT relating to long-term care administrators.

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

➔Section 1. KRS 216A.070 is amended to read as follows:

- (1) The board shall:
  - (a) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a long-term care administrator, which standards shall be designed to ensure that long-term care administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;
  - (b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets the standards;
  - (c) Issue licenses to individuals determined, after application of appropriate techniques, to meet established standards;
  - (d) Establish and carry out procedures designed to ensure that individuals licensed as long-term care administrators will, during any period that they serve as such, comply with the requirements of the standards;
  - (e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the standards; and
  - (f) Apply commensurate disciplinary action, following a hearing pursuant to KRS Chapter 13B, including permanent license revocation, suspension, or placement of probationary conditions on the licensee, issuance of a fine not to exceed two thousand dollars (\$2,000) per violation, or admonishing the licensee.
- (2) The board or any committee or member thereof or any hearing officer designated by the board, acting in an official capacity, shall have the authority to conduct administrative hearings in accordance with KRS Chapter 13B concerning all matters within the jurisdiction of the board.

- (3) The board shall also have the authority to promulgate administrative regulations necessary for the proper performance of its duties, and to take other actions necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act, the federal rules and regulations promulgated thereunder, and other pertinent federal authority or amendment thereto.
- (4) The board may, when emergency conditions warrant, as determined by the board, authorize the issuance of a temporary permit to an individual to practice the art of long-term care administration if it finds the authorization will not endanger the health and safety of the occupants of the licensed long-term care facility. A temporary permit shall be valid for a period determined by the board not to exceed **nine (9)**~~six (6)~~ months and shall not be renewed. The fee for a temporary permit shall be determined by regulations of the board.

**Signed by Governor April 24, 2020.**

## CHAPTER 121

( SB 239 )

AN ACT relating to local government pension plans.

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

➔Section 1. 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 KRS 65.156, and shall be in effect until the next actuarial valuation is completed by the fund.
  - (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 there are fewer than twelve (12) active and retired members or beneficiaries of the pension fund, the governing body of the fund may elect to offer to individuals entitled to benefits from the fund a one (1) time irrevocable option to convert monthly pension benefits from the fund to monthly annuity benefits from an insurance company for the same amount. An insurance company accepting a benefit transfer shall honor any features and options available under the existing plan. If the governing body of the fund elects to offer the option to convert monthly pension benefits to monthly annuity benefits, it shall provide to individuals entitled to benefits from the fund sufficiently complete and appropriate disclosures to assist in making an informed decision.***
- (10) 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 2. 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 there are fewer than twelve (12) active and retired members or beneficiaries of the pension fund, the governing body of the fund may elect to offer to individuals entitled to benefits from the fund a one (1) time irrevocable option to convert monthly pension benefits from the fund to monthly annuity benefits from an insurance company for the same amount. An insurance company accepting a benefit transfer shall honor any features and options available under the existing plan. If the governing body of the fund elects to offer the option to convert monthly pension benefits to monthly annuity benefits, it shall provide to individuals entitled to benefits from the fund sufficiently complete and appropriate disclosures to assist in making an informed decision.***
- (7) 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 3. 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 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 there are fewer than twelve (12) active and retired members or beneficiaries of the policemen's or the firefighters' pension fund, the governing body of the fund may elect to offer to individuals entitled to benefits from the fund a one (1) time irrevocable option to convert monthly pension benefits from the fund to monthly annuity benefits from an insurance company for the same amount. An insurance company accepting a benefit transfer shall honor any features and options available under the existing plan. If the governing body of the fund elects to offer the option to convert monthly pension benefits to monthly annuity benefits, it shall provide to individuals entitled to benefits from the fund sufficiently complete and appropriate disclosures to assist in making an informed decision.***

- (c) 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)(c)~~(b)~~ of this section;
  - (c) ***Making payments to the city for transfer to an insurance company for conversion of monthly pension benefits to monthly annuity benefits as provided in subsection (2)(b) of this section;***
  - (d) Transferring pension assets through investment contract or other financial instrument for the purpose of amortizing unfunded service liabilities; and
  - ~~(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 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), (d), **and** (e) 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 ~~(e)~~ 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.

- ~~(f)~~ 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), (d), **and** (e) 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 ~~(d)~~ 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, 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, 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 4. 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) 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.
- (5) *If there are fewer than twelve (12) active and retired members or beneficiaries of the policemen's and the firefighters' pension fund, the governing body of the fund may elect to offer to individuals entitled to benefits from the fund a one (1) time irrevocable option to convert monthly pension benefits from the fund to monthly annuity benefits from an insurance company for the same amount. An insurance company accepting a benefit transfer shall honor any features and options available under the existing plan. If the governing body of the fund elects to offer the option to convert monthly pension benefits to monthly annuity benefits, it shall provide to individuals entitled to benefits from the fund sufficiently complete and appropriate disclosures to assist in making an informed decision.*
- (6) 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 5. 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 (6) of Section 4 of this Act**~~KRS 95.530(5)~~, 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 6. 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 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.
- (5) *If there are fewer than twelve (12) active and retired members or beneficiaries of the policemen's and firefighters' pension fund, the governing body of the fund may elect to offer to individuals entitled to benefits from the fund a one (1) time irrevocable option to convert monthly pension benefits from the fund to monthly annuity benefits from an insurance company for the same amount. An insurance company accepting a benefit transfer shall honor any features and options available under the existing plan. If the governing body of the fund elects to offer the option to convert monthly pension benefits to monthly annuity benefits, it shall provide to individuals entitled to benefits from the fund sufficiently complete and appropriate disclosures to assist in making an informed decision.*
- (6) 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 (6) of Section 4 of this Act**~~{KRS 95.530(5)}~~.

➔Section 7. 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.
  - (3) ***If there are fewer than twelve (12) active and retired members or beneficiaries of the policemen's and firefighters' pension fund, the governing body of the fund may elect to offer to individuals entitled to benefits from the fund a one (1) time irrevocable option to convert monthly pension benefits from the fund to monthly annuity benefits from an insurance company for the same amount. An insurance company accepting a benefit transfer shall honor any features and options available under the existing plan. If the governing body of the fund elects to offer the option to convert monthly pension benefits to monthly annuity benefits, it shall provide to individuals entitled to benefits from the fund sufficiently complete and appropriate disclosures to assist in making an informed decision.***

➔Section 8. 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) ***If there are fewer than six (6) active and retired members of the fund from one (1) department, the board of trustees shall be composed of the mayor, city treasurer or chief financial officer, one (1) retired member of the department with six (6) or more active or retired members of the fund who***

*shall be elected by ballot by the retired members of the department, and one (1) employee appointed by the mayor from the department with fewer than six (6) active and retired members of the fund who shall serve for one (1) year and until their respective successors are appointed and qualified.*

- (e) 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, ~~2020~~~~2016~~.
- (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 there are fewer than twelve (12) active and retired members or beneficiaries of the policemen's and firefighters' pension fund, the governing body of the fund may elect to offer to individuals entitled to benefits from the fund a one (1) time irrevocable option to convert monthly pension benefits from the fund to monthly annuity benefits from an insurance company for the same amount. An insurance company accepting a benefit transfer shall honor any features and options available under the existing plan. If the governing body of the fund elects to offer the option to convert monthly pension benefits to monthly annuity benefits, it shall provide to individuals entitled to benefits from the fund sufficiently complete and appropriate disclosures to assist in making an informed decision.*
- (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. 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 9. KRS 95.022 is amended 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 KRS 61.637 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 KRS 61.637(17) 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) **or more** 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.
- (8) ***Retired police officers employed by a city government for purposes of KRS 158.4414 shall not apply against the limitations provided by subsection (7) of this section.***

➔Section 10. 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) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems within twelve (12) months of his or her retirement date, the retired member shall notify the retirement system and the participating employer shall submit the information required or requested by the systems to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the retirement systems regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
- (9) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems within twelve (12) months of his or her retirement date, 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 or leased employee 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 status as an independent contractor or leased employee. The retired member shall not be required to notify the retirement systems regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (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. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the 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 has retired from the elected office within twelve (12) months 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 fails 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. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

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, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, 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, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, 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;
- (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. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the 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 has retired from the elected office within twelve (12) months 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 fails 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. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
  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, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, 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;
  4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, 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;
- (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;

- (f) 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 ~~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 *systems administered by Kentucky Retirement Systems* ~~Kentucky Employees Retirement System or the State Police Retirement System;~~ or~~
- ~~1.~~ ~~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, *if the mayor or member of a city legislative body:*~~
  1. *Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or*
  2. *Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems for any employment occurring on or after the effective retirement date;*



(g) If a member is receiving a retirement allowance from any of the retirement systems administered by the Kentucky Retirement Systems and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in one (1) of the systems administered by the Kentucky Retirement Systems:

1. At any time following retirement, if the system determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
2. Within three (3) months following the member's initial retirement date, if the system determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
3. After three (3) months but within twelve (12) months following the member's initial retirement, if the system determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the system or submit any documentation for purposes of this section to the system.

The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection; and

(h) The Kentucky Retirement Systems shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Kentucky Retirement Systems.

(18) The Kentucky Retirement Systems shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference board-prescribed forms that a retired member and participating agency shall provide the systems under subsections (8), (9), and (17) of this section.

**Signed by Governor April 24, 2020.**

## CHAPTER 122

( SB 263 )

AN ACT relating to the coal workers' pneumoconiosis fund.

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

➔Section 1. KRS 342.1242 is amended to read as follows:

- (1) There is created the Kentucky coal workers' pneumoconiosis fund which shall have one-half (1/2) of the liability for income benefits, including retraining benefits, payable for claims brought under KRS 342.732 for last exposure incurred on or after December 12, 1996, which are filed on or before June 30, 2017. Income benefit payments by the Kentucky coal workers' pneumoconiosis fund shall be made contemporaneous with the payments made by the employer, except that the employer shall make all payments due under a final award or approved settlement for any claims filed after June 30, 2017.
- (2) For claims brought under KRS 342.732 for last exposure incurred on or after December 12, 1996 which are filed on or before June 30, 2017, the employer shall defend any claim brought under KRS 342.732 and upon conclusion shall seek participation in payment of the final award or settlement by the Kentucky coal workers' pneumoconiosis fund by making written request upon the director in the manner prescribed by administrative regulation to be promulgated by the commissioner of the Department of Workers' Claims.

- (3) (a) For the purpose of funding the liabilities of the Kentucky coal workers' pneumoconiosis fund and financing the administration and operation of the Kentucky coal workers' pneumoconiosis fund, as reflected in the budget of the Commonwealth enacted by the General Assembly, a Kentucky coal workers' pneumoconiosis fund assessment at the rate of three percent (3%) is hereby imposed upon the amount of workers' compensation premiums received on and after January 1, 1997, through December 31, 1997, by every insurance carrier writing workers' compensation insurance in the Commonwealth and by every self-insured group operating under the provisions of KRS 342.350(4) and Chapter 304, from employers engaged in the severance or processing of coal. Likewise, on and after January 1, 1997, through December 31, 1997, an assessment at the rate of three percent (3%) of premium shall be paid by every employer engaged in the severance or processing of coal who is carrying his or her own risk.
- (b) In addition to the assessment imposed in paragraph (a) of this subsection, an additional Kentucky coal workers' pneumoconiosis fund assessment at the rate of two and one-half cents (\$0.025) per ton is hereby imposed upon the total annual amount of tons of coal severed on or after January 1, 1997, through December 31, 1997, by every entity engaged in the severance of coal as required pursuant to KRS Chapter 143.
- (c) As of June 30, 2018, and each year thereafter until the liabilities of the fund are fully funded, the Funding Commission and the Kentucky Employers' Mutual Insurance Authority shall determine the assets of the fund and the claim liability incurred by the fund for all previous years and shall establish the rates under the provisions of paragraphs (a) and (b) of this subsection necessary as of January 1 of the next year to fund claim liabilities through December 31 of the next year of operations. The assessment rate authorized by this section for premiums received and tons of coal severed shall be set so as to receive fifty percent (50%) of the needed revenue from each assessment. Notice of any rate changes shall be provided no later than October 1 of the year preceding the rate change.
- (4) All assessments imposed by this section shall be paid to the Kentucky Workers' Compensation Funding Commission and shall be transferred to the Kentucky Employers' Mutual Insurance Authority, which is administering the coal workers' pneumoconiosis fund. In addition, the powers and responsibilities of the Kentucky Workers' Compensation Funding Commission including its fiduciary duties and responsibilities relating to assessments collected for the special fund pursuant to KRS 342.122, 342.1221, 342.1222, 342.1223, 342.1226, 342.1229, and 342.1231 shall apply to assessments collected for the Kentucky coal workers' pneumoconiosis fund created pursuant to this section. Each entity subject to assessments for the Kentucky coal workers' pneumoconiosis fund shall provide any and all information requested by the Kentucky Workers' Compensation Funding Commission necessary to carry out its powers and responsibilities relating thereto.
- (5) These assessments shall be paid quarterly not later than the thirtieth day of the month following the end of the quarter in which the premium is received or the coal is processed or severed. Receipt shall be considered timely through actual physical receipt or by postmark by the United States Postal Service. Employers carrying their own risk and employers defined in KRS 342.630(2) shall pay the annual assessments in four (4) equal quarterly installments. Penalty and interest penalties imposed pursuant to KRS 342.1221 and the authority of the Kentucky Workers' Compensation Funding Commission to waive part or all of the penalty shall apply to assessments for the Kentucky coal workers' pneumoconiosis fund in the same manner and amount as they are imposed on assessments for the special fund under KRS 342.122.
- (6) Notwithstanding any other provisions of this section or this chapter to the contrary, the total amount of funds collected pursuant to the assessment rates adopted by the funding commission shall not be limited to the provisions of this section.
- (7) Claims for benefits by reason of the development of coal workers' pneumoconiosis shall be maintained pursuant to KRS 342.732, and the Kentucky coal workers' pneumoconiosis fund shall be liable for payment of a part of the liability only for employees of employers engaged in the severance or processing of coal as defined in KRS 342.0011(23)(a) and (b).
- (8) (a) Assessments issued pursuant to this section shall cease to be imposed once the liabilities of the fund are fully funded. After the liabilities are fully funded, any excess assessments shall be refunded to the employers on a pro rata basis *as determined from the cumulative amounts of assessments received from workers' compensation premiums paid by employers, whether insured, self-insured, or carrying his or her own risk, on or after January 1, 2017.*
- (b) *The Kentucky Employers' Mutual Insurance Authority shall disperse, on a pro rata basis, the excess assessments to each employer which is engaged in the severance or processing of coal and which is in good standing with the Secretary of State and authorized to do business in the Commonwealth as*

*evidenced by a certificate of existence, certificate of authorization, or other such certificate issued by the Secretary of State their pro rata shares of excess assessments.*

- (c) *Upon a determination by the Kentucky Workers' Compensation Funding Commission and the Kentucky Employers' Mutual Insurance authority that final audits are closed and the liabilities of the fund are fully funded, the Kentucky Employers' Mutual Insurance Authority shall send a notice to each employer via first-class United States mail advising each employer that in order to assert a claim to the employer's pro rata share of any excess assessments the employer must submit a certification under oath to the Kentucky Employers' Mutual Insurance Authority stating that the employer is engaged in the severance or processing of coal in the Commonwealth and that the employer is in good standing with the Secretary of State and authorized to do business in the Commonwealth. The employer shall also certify whether or not it has applied for an adjudication of bankruptcy, reorganization, arrangement, or other relief under the United States Bankruptcy Code.*
- (d) *The employer shall submit to the Kentucky Employers' Mutual Insurance Authority the employer's certificate obtained from the Secretary of State along with the certification under oath specified in this subsection.*
- (e) *Kentucky Employers' Mutual Insurance Authority shall specify in the notice the date of mailing of the notice to the employer and shall send the notice to the employer at the address of the statutory agent designated by the employer with the Secretary of State or, if the employer has not designated a statutory agent with the Secretary of State, at the address of the employer on file with the Kentucky Employers' Mutual Insurance Authority or, if the address of the employer is not on file with the Kentucky Employers' Mutual Insurance Authority, at the address of the employer on file with the Kentucky Workers' Compensation Funding Commission.*
- (f) *The employer's certification must be received by the Kentucky Employers' Mutual Insurance Authority within thirty (30) days of mailing of the notice from the Kentucky Employers' Mutual Insurance Authority to the employer.*
- (g) *Within thirty (30) days of receipt of a timely submitted certification from an employer, the Kentucky Employers' Mutual Insurance Authority shall distribute to the employer the employer's pro rata share of the excess funds. If the employer is in bankruptcy at the time the certification is provided to the Kentucky Employers' Mutual Insurance Authority, any funds that would be distributed to the employer shall only be distributed to former employees to whom past due wages are owed, subject to the approval of the bankruptcy judge. If an employer has an outstanding balance due for taxes or other obligations to the Commonwealth, for a bond payment, or to a county, city, school system or school district, fire district, or any special taxing authority, no funds shall be distributed to the employer unless those outstanding balances have been paid in full at the time of the distribution of the funds by Kentucky Employers' Mutual Insurance Authority.*
- (h) *If, at any time after the Kentucky Employers' Mutual Insurance Authority's distribution of funds to an employer, it is determined that the certification submitted by the employer to the Kentucky Employers' Mutual Insurance Authority was materially false at the time of the certification, the Attorney General is authorized to file an action against the employer to recover the funds distributed to the employer by the Kentucky Employers' Mutual Insurance Authority along with interest at the rate of twelve percent (12%) from the date of distribution of the funds to the employer and a penalty of ten percent (10%) of the amount of the funds distributed to the employer, plus reasonable attorney's fees, litigation expenses, and court costs.*
- (i) *For those employers who do not timely submit a certification to the Kentucky Employers' Mutual Insurance Authority as specified in this subsection, their pro rata shares shall be transferred to the Kentucky coal employers self-insurance guaranty fund for the purpose of paying workers' compensation benefits to employees of insolvent self-insured employers engaged in the severance and processing of coal, and those employers' claims to a distribution of funds pursuant to this subsection shall be forever barred.*
- (j) *The Kentucky Workers' Compensation Funding Commission shall provide all available information regarding the employers to the Kentucky Employers' Mutual Insurance Authority upon the request of the Kentucky Employers' Mutual Insurance Authority.*

- (9) The Kentucky Employers' Mutual Insurance Authority shall reimburse the funding commission for any expenses incurred with regard to the collection of assessments for the coal workers' pneumoconiosis fund and other incurred expenses related to the coal workers' pneumoconiosis fund.

➔Section 2. KRS 342.1243 is amended to read as follows:

- (1) Notwithstanding any provisions of this chapter or any other provisions to the contrary, the Kentucky coal workers' pneumoconiosis fund shall have no liability for income benefits for coal workers' pneumoconiosis claims filed or reopened on or after July 1, 2017.
- (2) Notwithstanding any provisions of this chapter or any other provisions to the contrary, as soon as practically possible after July 1, 2017, all of the assets and liabilities of the Kentucky coal workers' pneumoconiosis fund shall be transferred from the Kentucky Workers' Compensation Funding Commission and Division of Workers' Compensation Funds to the Kentucky Employers' Mutual Insurance Authority through a loss portfolio transfer agreement. The Kentucky Employers' Mutual Insurance Authority shall have full authority and responsibility over the Kentucky coal workers' pneumoconiosis fund's claims and shall administer the claims as permitted pursuant to KRS Chapter 342.
- (3) Notwithstanding the provisions of KRS 342.1242, the Workers' Compensation Funding Commission shall impose an assessment at an annual rate of fourteen percent (14%) upon the amount of workers' compensation premiums received on or after January 1, 2017, through December 31, 2017, by every insurance carrier writing workers' compensation insurance in the Commonwealth and by every self-insured group operating under the provisions of KRS 342.350(4) and KRS Chapter 304, from employers engaged in the severance or processing of coal. Likewise, on or after January 1, 2017, through December 31, 2017, an assessment at the rate of fourteen percent (14%) of premium shall be paid by every employer engaged in the severance or processing of coal who is carrying his or her own risk.
- (4) Notwithstanding the provisions of KRS 342.1242, the Workers' Compensation Funding Commission shall impose an assessment at an annual rate of fourteen percent (14%) upon the amount of workers' compensation premiums received on or after January 1, 2018, through December 31, 2018, by every insurance carrier writing workers' compensation insurance in the Commonwealth and by every self-insured group operating under the provisions of KRS 342.350(4) and Chapter 304, from employers engaged in the severance or processing of coal. Likewise, on or after January 1, 2018, through December 31, 2018, an assessment at the rate of fourteen percent (14%) of premium shall be paid by every employer engaged in the severance or processing of coal who is carrying his or her own risk.
- (5) Notwithstanding the provisions of KRS 342.1242, in addition to the assessments in subsection (3) and (4) of this section, for the calendar years of 2017 and 2018, an assessment at the rate of fifteen cents (\$0.15) per ton shall be imposed upon the total annual amount of tons of coal severed by every entity engaged in the severance of coal as required pursuant to KRS Chapter 143.
- (6) The assessments imposed by this section shall supersede any assessment imposed pursuant to KRS 342.1242 for the calendar years of 2017 and 2018. Any amount paid and collected that exceeds the assessment imposed by this section in calendar year 2017 shall be reimbursed to the employer or credited to the employer's account subject to the preference of the employer.
- (7) Assessments pursuant to this section and KRS 342.1242 that are collected by the Kentucky Worker's Compensation Funding Commission shall be transferred to the Kentucky Employers' Mutual Insurance Authority.
- (8) When the Kentucky Workers' Compensation Funding Commission and the Kentucky Employers' Mutual Insurance Authority have determined final audits are closed and the liability of the fund is fully funded, then the authority for imposing assessment rates pursuant to this section and KRS 342.1242 shall cease to exist. Any remaining assessments received following the exhaustion of liabilities shall be refunded pro rata to all employers who have paid an assessment in the year that liabilities are fully funded. When all *distributions pursuant to subsection (8) of Section 1 of this Act have been*~~claim payouts are~~ completed, the Kentucky coal workers' pneumoconiosis fund shall be abolished. *The Kentucky Employers' Mutual Insurance Authority may thereafter apply all funds received through subrogation or otherwise to expenses incurred in the administration and distribution of funds.*

Signed by Governor April 24, 2020.

## CHAPTER 123

( SB 66 )

AN ACT relating to the disposition of a decedent's body.

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

➔Section 1. KRS 367.93117 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section,*** 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:

(a)~~(1)~~ A person:

1.~~(a)~~ Named as the designee or alternate designee in a declaration executed by the decedent under KRS 367.93101 to 367.93121; or

2.~~(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;

(b)~~(2)~~ The decedent's surviving spouse;

(c)~~(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;

(d)~~(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;

(e)~~(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;

(f)~~(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;

(g)~~(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;

(h)~~(8)~~ If none of the persons described in ***subsection (1)(a) to (g)***~~subsections (1) to (7)~~ of this section are available, the following may act and arrange for the final disposition of the decedent's remains:

1.~~(a)~~ Any other person willing to act and arrange for the final disposition of the decedent's remains who attests in writing that a good-faith effort has been made to contact any living individuals described in ***subsection (1)(a) to (g)***~~subsections (1) to (7)~~ of this section; or

2.~~(b)~~ A funeral home that has a valid prepaid funeral plan that makes arrangements for the disposition of the decedent's remains if the funeral director attests in writing that a good-faith effort has been

made to contact any living individuals described in *subsection (1)(a) to (g)*~~subsections (1) to (7)~~ of this section; or

~~(i)(9)~~ The District Court in the county of the decedent's residence or the county in which the funeral home or the crematory is located.

- (2) *No person shall have the right to control the disposition of the remains of the decedent if the person has been arrested for, or charged with, committing an offense intentionally, knowingly, or wantonly, which resulted in the death of the decedent.*
- (3) *A person disqualified pursuant to subsection (2) of this section may petition the court, in the interest of justice, to waive the disqualification.*

➔Section 2. KRS 367.93121 is amended to read as follows:

An action to contest or determine the validity of any declaration made under KRS 367.93101 to 367.93121 or cremation authorization form, or to resolve a conflict between an executed cremation authorization form and the person or persons authorized in KRS 367.93117 regarding cremation, *or to contest a disqualification pursuant to subsection (2) of Section 1 of this Act*, shall be:

- (1) Brought in the District Court of the county of the decedent's residence or the county in which the funeral home or the crematory is located;
- (2) Expedited on the docket of the court as a matter 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 safekeeping charges incurred while the action is pending.

**Signed by Governor April 24, 2020.**

## CHAPTER 124

( SB 111 )

AN ACT relating to public safety personnel.

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) *The coroner shall ensure that the remains of a police officer, firefighter, or emergency medical services personnel, as defined in KRS 61.315, or a coroner or deputy coroner, killed in the line of duty are returned to the care and custody of that person's family or other party responsible for the person's final arrangements in a professional manner so as to obscure the contour of the decedent's remains. Upon the wishes of the family or other responsible party, the coroner shall ensure that the decedent is covered by an American flag in honor of his or her service.*
- (2) *The coroner may make arrangements with the family or other responsible party of a decedent described in subsection (1) of this section to have the individual returned to the care and custody of that person's family or other party responsible for the person's final arrangement by a funeral home or a designated transport service. In that case, the decedent shall be transported in the manner set out in subsection (1) of this section.*

➔Section 2. KRS 15.440 is amended to read as follows:

- (1) Each unit of government that 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) Requires all police officers to have, at a minimum, a high school degree, or its equivalent as determined by the council, except that each police officer employed prior to the date on which the officer's police

department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection;

- (d) 1. Requires all police officers to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the council, which may provide a different number of hours of instruction as established in this paragraph, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 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 nine hundred twenty-eight (928) 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 provided by 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 as provided 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 provided by subparagraphs 2. and 3. of this paragraph.
5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
- a. Years of service credit as a law enforcement officer with previous service in another state; and
  - b. Basic training completed in another state.
6. ***KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:***
- a. ***Completion of eight hundred forty-eight (848) hours of training at a school established pursuant to KRS 15A.070;***
  - b. ***A minimum of fifteen (15) years of experience as a certified law enforcement instructor at a school established pursuant to KRS 15A.070;***
  - c. ***Completion of an average of forty (40) hours of Kentucky Law Enforcement Council approved in-service training annually from January 1, 1997 through January 1, 2020;***
  - d. ***Completion of all mandatory training obligations under KRS 15.334 from January 1, 1997 to January 1, 2020;***
  - e. ***Three (3) years of active, full-time service as a:***
    - i. ***City, county, urban-county, charter county, consolidated local, or unified local government police officer;***
    - ii. ***Sheriff's deputy, excluding special deputies appointed under KRS 70.045;***
    - iii. ***Department of Kentucky State Police officer; or***

- iv. *Kentucky Department of Fish and Wildlife Resources conservation officer exercising peace officer powers under KRS 150.090; and*
- f. *Completion of the:*
  - i. *Twenty-four (24) hour legal update Penal Code course;*
  - ii. *Sixteen (16) hour legal update constitutional procedure course; and*
  - iii. *Forty (40) hour basic officer skills course within one (1) year prior to applying for certification;*
- (e) Requires all police officers 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 the officer's police department, of 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 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) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150 and transmission of reports as required by KRS 15.391;
- (g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
- (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; 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 Health and Family Services, 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 provided by, and has been approved by, the cabinet, and which includes:
  1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 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 police department be transmitted to a police department with jurisdiction within ten (10) days of its receipt by the police 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 police 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) A 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 only if the police department of the unit of government remains in compliance with the requirements of this section.



- (3) Deputies employed by a sheriff's office shall be eligible to participate in the distribution of funds from the Law Enforcement Foundation Program fund regardless of participation by the sheriff.
- (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.

**Signed by Governor April 24, 2020.**

## CHAPTER 125

( SB 37 )

AN ACT relating to veteran-managed nonprofit businesses.

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

➔Section 1. KRS 14A.1-070 is amended to read as follows:

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

- (1) "Business" includes every trade, occupation, and profession;
- (2) "Corporation" means a business corporation governed as to its internal affairs by KRS Chapter 271B, a cooperative or association governed as to its internal affairs by KRS Chapter 272, a nonprofit corporation governed as to its internal affairs by KRS Chapter 273, and a rural electric or rural telephone cooperative corporation governed as to its internal affairs by KRS Chapter 279;
- (3) "Business trust" means a business trust governed as to its internal affairs by KRS Chapter 386 or a statutory trust governed as to its internal affairs by KRS Chapter 386A;
- (4) "Debtor in bankruptcy" means a person who is the subject of:
  - (a) An order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application; or
  - (b) A comparable order under federal, state, or foreign law governing insolvency;
- (5) "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and electronic transmission;
- (6) "Electronic transmission" or "electronically transmitted" means any process of communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval, and reproduction of information by the recipient;
- (7) "Entity" means a corporation, business or statutory trust, partnership, limited partnership, limited liability company, limited cooperative association, or unincorporated nonprofit association, governed as to its internal affairs by the laws of the Commonwealth of Kentucky;
- (8) "Foreign business trust" means a business or statutory trust not governed as to its internal affairs by KRS Chapter 386 or 386A;
- (9) "Foreign corporation" means a corporation as defined in subsection (2) of this section that is not:
  - (a) Organized pursuant to the laws of the Commonwealth of Kentucky; or
  - (b) As to its internal affairs, governed by the laws of the Commonwealth of Kentucky;
- (10) "Foreign entity" means a corporation, not-for-profit corporation, cooperative, limited cooperative association, association, business or statutory trust, partnership, limited partnership, limited liability company, or unincorporated nonprofit association not:
  - (a) Organized pursuant to the laws of the Commonwealth of Kentucky; or
  - (b) As to its internal affairs, governed by the laws of the Commonwealth of Kentucky;
- (11) "Foreign limited cooperative association" means a limited cooperative association that is not:

- (a) Organized pursuant to the laws of the Commonwealth of Kentucky; or
  - (b) As to its internal affairs, governed by the laws of the Commonwealth of Kentucky;
- (12) "Foreign limited liability partnership" means a partnership that:
- (a) Is formed under laws other than the laws of this Commonwealth; and
  - (b) Has the status of a limited liability partnership under those laws;
- (13) "Foreign professional service corporation" has the same meaning as in KRS 274.005;
- (14) "Foreign rural electric cooperative" means a rural electric cooperative organized otherwise than under KRS 279.010 to 279.210;
- (15) "Foreign rural telephone cooperative" means a rural telephone cooperative organized otherwise than under KRS 279.310 to 279.990 excepting 279.570;
- (16) "Foreign unincorporated nonprofit association" means an unincorporated nonprofit association that is not:
- (a) Organized in accordance with the laws of the Commonwealth of Kentucky; or
  - (b) As to its internal affairs, governed by the laws of the Commonwealth of Kentucky;
- (17) "Good standing" means that all annual reports which are required to be received from an entity or foreign entity have been delivered to and filed by the Secretary of State, that all other lawfully required statutory documentation has been received and filed, and that all fees, costs, and expenses, including penalties incurred in connection therewith, have been paid;
- (18) "Limited cooperative association" means a limited cooperative association governed as to its internal affairs by KRS Chapter 272A;
- (19) "Limited liability company" has the same meaning as in KRS 275.015;
- (20) "Limited liability partnership" means a partnership that has filed a statement of qualification under KRS 362.1-931 or a registration as a registered limited liability partnership under KRS 362.555 and does not have a similar statement or registration in effect in any other jurisdiction;
- (21) "Name of record with the Secretary of State" means any real, fictitious, reserved, registered, or assumed name of an entity or foreign entity;
- (22) "Nonprofit corporation," other than in the term "foreign nonprofit corporation," means a nonprofit corporation incorporated pursuant to and governed as to its internal affairs by KRS Chapter 273 or predecessor law;
- (23) "Organic act" means the law of a state or other jurisdiction governing the organization and internal affairs of an entity or foreign entity;
- (24) "Organized" means organized, incorporated, or formed;
- (25) "Organizational filing" means a filing made with the Secretary of State as a precondition to the formation, organization, or incorporation of an entity, including articles of incorporation, articles of organization, articles of association, certificates of trust, and certificates of limited partnership. A statement of qualification filed pursuant to KRS 362.1-931 or a registration as a limited liability partnership filed pursuant to KRS 362.555 is not an organizational filing;
- (26) "Partnership" means an association of two (2) or more persons to carry on as co-owners a business for profit formed under KRS 362.1-202, predecessor law, or comparable law of another jurisdiction;
- (27) "Partnership agreement" means the agreement, whether written, oral, or implied, among the partners concerning the partnership, including amendments to the partnership agreement;
- (28) "Person" means an individual, an entity, a foreign entity, or any other legal or commercial entity;
- (29) "Principal office" means the address required by this chapter or the organic act to be of record with the Secretary of State as the principal office, the principal place of business address, the designated office of a limited partnership, or the chief executive office of a limited liability partnership;
- (30) "Professional service corporation" has the same meaning as in KRS 274.005;
- (31) "Professional services" means the personal services rendered by physicians, osteopaths, optometrists, podiatrists, chiropractors, dentists, nurses, pharmacists, psychologists, occupational therapists, veterinarians,

engineers, architects, landscape architects, certified public accountants, public accountants, physical therapists, and attorneys;

- (32) "Property" means all property, real, personal, or mixed, tangible or intangible, or any interest therein;
- (33) "Qualified person" has the same meaning as in KRS 274.005;
- (34) "Registered agent" means a registered agent appointed in accordance with KRS 14A.4-010 or predecessor law, and is synonymous with agent for service of process;
- (35) "Registered office" means the registered office identified in accordance with and satisfying the requirements of KRS 14A.4-010(1)(b). The registered office address must be a street address;
- (36) "Regulatory board" means the agency that is charged by law with the licensing and regulation of the practice of the profession which the entity is organized to provide;
- (37) "Rural electric cooperative" means a rural electric cooperative governed as to its internal affairs by KRS 279.010 to 279.210;
- (38) "Rural telephone cooperative" means a rural telephone cooperative governed as to its internal affairs by KRS 279.310 to 279.990 excepting KRS 279.570;
- (39) "Series entity" means an entity or a foreign entity authorized and enabled by its organic act and organizational filing to create series having separate rights, powers, or duties with respect to specific property or obligations of the series entity, or the profits and losses associated with specific property or obligations;
- (40) "Sign" or "signature" includes any manual, facsimile, conformed, or electronic signature;
- (41) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States;
- (42) "Statutory trust" means a trust governed as to its internal affairs by KRS Chapter 386A;
- (43) "Unincorporated nonprofit association" means an unincorporated nonprofit association governed as to its internal affairs by KRS Chapter 273A;
- (44) "Veteran" means any person who served in the United States Armed Forces, Reserves, or National Guard and was separated or released therefrom with an honorable discharge, discharge under honorable conditions, or general discharge under honorable conditions or any person who currently serves in the United States Armed Forces, Reserves, or National Guard; and
- (45) "Veteran-owned business" means a business:
  - (a) That is at least fifty-one percent (51%) unconditionally owned by one (1) or more veterans;~~or~~
  - (b) In the case of a publicly owned business, in which at least fifty-one percent (51%) of the stock is unconditionally owned by one (1) or more veterans; **or**
  - (c) ***That is a nonprofit business which is at least fifty-one percent (51%) unconditionally managed by one (1) or more veterans.***

➔Section 2. KRS 14A.2-060 is amended to read as follows:

- (1) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered for filing:
  - (a) Application for use of indistinguishable name .....\$ 20
  - (b) Application or renewal of application for reserved name .....\$ 15
  - (c) Cancellation of application for reserved name .....\$ 10
  - (d) Notice of transfer of reserved name .....\$ 15
  - (e) Application for registered name .....\$ 36
  - (f) Application for renewal of registered name .....\$ 36
  - (g) Statement of change of registered office or registered agent, or both .....\$ 10
  - (h) Statement of change of principal office address .....\$ 10
  - (i) Agent's statement of change of registered office for each affected

- entity or foreign entity .....\$ 10
- not to exceed a total of .....\$2,000
- (j) Reinstatement penalty following administrative dissolution .....\$ 100
- (k) Application for certificate of authority .....\$ 90
- (l) Application for amended certificate of authority .....\$ 40
- (m) Certificate of withdrawal .....\$ 40
- (n) Certificate of existence .....\$ 10
- (o) Certificate of authorization .....\$ 10
- (p) Any other document required or permitted to be filed by this chapter .....\$ 15
- (q) Agent's statement of resignation ..... No fee
- (r) Certificate of administrative dissolution ..... No fee
- (s) Certificate of reinstatement ..... No fee
- (t) Certificate of revocation of authority to transact business ..... No fee
- (u) Certificate of association .....\$ 15
- (2) (a) The Secretary of State shall collect a fee of fifteen dollars (\$15) with respect to each annual report or amendment thereto.
- (b) Notwithstanding paragraph (a) of this subsection, a veteran-owned business **organized**~~initiated~~ after August 1, 2018, is exempt from paying the fee for filing an annual report or amendment thereto for the first four (4) years after its initial **organization**~~registration~~, but is not exempt from any filing requirement or deadline for filing an annual report.
- (3) The Secretary of State shall collect a fee of ten dollars (\$10) each time process is served on him or her under this chapter. The party to a proceeding causing service of process shall be entitled to recover this fee as costs if he prevails in the proceeding.
- (4) The Secretary of State shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign entity:
  - (a) Five dollars (\$5) per request for the first five (5) pages and fifty cents (\$0.50) a page for each page thereafter; and
  - (b) Five dollars (\$5) for the certificate.

➔Section 3. KRS 14A.2-165 is amended to read as follows:

Any veteran-owned business that is **organized**~~initiated~~ after August 1, 2018, is exempt from paying the filing fees for:

- (1) Articles of incorporation, an amendment of articles of incorporation, amended and restated articles of incorporation, or a restatement of articles of incorporation under KRS Chapter 271B for a corporation or under KRS Chapter 273 for a nonprofit corporation;
- (2) Articles of organization, an amendment of articles of organization, a restatement of articles of organization, or an amendment and restatement of articles of organization under KRS Chapter 275 for a limited liability company;
- (3) A statement or renewal of statement of partnership under KRS Chapter 362;
- (4) A statement of partnership authority under Subchapter 1 of KRS Chapter 362;
- (5) A certificate of limited partnership under Subchapter 2 of KRS Chapter 362; or
- (6) A declaration of trust under KRS Chapter 386 for a business trust.

**Signed by Governor April 24, 2020.**

**CHAPTER 126****( SB 237 )**

AN ACT relating to tissue sample collection in autopsies.

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

➔Section 1. KRS 213.161 is amended to read as follows:

- (1) In order to obtain information which may be useful to research organizations studying the causes and incidence of the sudden infant death syndrome, a program is hereby established in the Cabinet for Health and Family Services. The purpose of this program shall be to obtain factual information concerning the characteristics, incidence, and distribution of the sudden infant death syndrome throughout the Commonwealth and to provide a means of public education concerning any research findings which may lead to the possible means of prevention, early identification, and treatment of children susceptible to the sudden infant death syndrome.
- (2) In instances where an ostensibly healthy child dies suddenly and unexpectedly with no known or apparent cause as determined by a physician or a coroner, an autopsy with the written approval of the parents or legal guardian of the child shall be performed within forty-eight (48) hours and the results reported to the cabinet and to the parents or legal guardian of the child.
- (3) *At the request of the parent or legal guardian of a child who has died under circumstances described in subsection (2) of this section or in the case of the death of any child, a tissue sample may be collected during the autopsy of the child's body and shared for research purposes assuming the tissue harvest will not interfere with the determination of the cause and manner of death.*

~~(4)~~~~(3)~~ In order to implement the provisions of this section, the secretary of the Cabinet for Health and Family Services shall:

- (a) Promulgate administrative regulations as may be necessary in order to obtain in proper form all information relating to the occurrence of sudden infant deaths which is relevant and appropriate for the establishment of a reliable statistical index of the incidence, distribution, and characteristics of cases of the sudden infant death syndrome;
- (b) Collect such factual information from physicians, coroners, medical examiners, hospitals, and public health officials who have examined any child known or believed to have the sudden infant death syndrome;
- (c) Make such factual information available to physicians, coroners, medical examiners, hospitals, public health officials, and educational and institutional organizations conducting research as to the causes and incidence of the sudden infant death syndrome;
- (d) Cause appropriate counseling services to be established and maintained for families affected by the occurrence of the sudden infant death syndrome; and
- (e) Conduct educational programs to inform the general public of any research findings of educational and institutional organizations which may lead to the possible means of prevention, early identification, and treatment of the sudden infant death syndrome.

➔Section 2. KRS 72.405 is amended to read as follows:

As used in KRS 72.410 to 72.470, unless the context clearly indicates otherwise:

- (1) "Coroner ordered autopsy" means an autopsy ordered by the coroner having jurisdiction and performed by a pathologist pursuant to such authorization in order to ascertain the cause and manner of death in a coroner's case. In the event the pathologist deems it necessary, he may submit the appropriate specimen to a qualified chemist or toxicologist for analysis to assist him in ascertaining the cause of death in a coroner's case;
- (2) "Coroner's case" means a case in which the coroner has reasonable cause for believing that the death of a human being within his county was caused by any of the conditions set forth in KRS 72.025;
- (3) "Inquest" means an examination ordered by the coroner, or in his absence, ordered by a deputy coroner, into the causes and circumstances of any death which is a coroner's case by a jury of six (6) residents of the county impaneled and selected by the coroner to assist him in ascertaining the cause and manner of death;

- (4) "Post-mortem examination" means a physical examination of the body by a medical examiner or by a coroner or deputy coroner who has been certified by the Justice and Public Safety Cabinet and may include an autopsy performed by a pathologist, ~~for~~ other appropriate scientific tests administered to determine cause of death, ***or collection of tissue samples collected pursuant to subsection (3) of Section 1 of this Act***; and
- (5) "Certified coroner" or "certified deputy coroner" means a coroner or deputy coroner who has been certified by the Justice and Public Safety Cabinet to have successfully completed both the basic training course and annual inservice training course required by KRS 72.415, except that a deputy coroner shall be certified without completion of training courses required by KRS 72.415 if he is a licensed physician. The secretary of justice and public safety may waive the requirement for basic training and certify a coroner during the eighteen (18) month period after July 15, 1982, if the advisory commission set forth in KRS 72.225 certifies to the secretary after a thorough review that the experience and knowledge of the specific coroner is such that he is qualified to be a certified coroner without taking the basic training.

**Signed by Governor April 24, 2020.**

## CHAPTER 127

( SB 157 )

AN ACT relating to governmental ethics.

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

➔SECTION 1. A NEW SECTION OF KRS 6.601 TO 6.849 IS CREATED TO READ AS FOLLOWS:

***If a provision of KRS 6.601 to 6.849 is designated as a misdemeanor or a felony, an alleged violation of the provision may be adjudicated by the commission as ethical misconduct.***

➔Section 2. KRS 6.686 is amended to read as follows:

- (1) (a) The commission shall have jurisdiction to investigate and proceed as to any violation of this code upon the filing of a complaint. The complaint shall be a written statement alleging a violation against one (1) or more named persons and stating the essential facts constituting the violation charged. The complaint shall be made under oath and signed by the complaining party before a person who is legally empowered to administer oaths. The commission shall have no jurisdiction in ***the*** absence of a complaint. A member of the commission may file a complaint.
- (b) Within ten (10) days of the filing of a complaint, the commission shall cause a copy of the complaint to be served by certified mail upon the person alleged to have committed the violation.
- (c) Within twenty (20) days of service of the complaint the person alleged to have committed the violation may file an answer with the commission. The filing of an answer is wholly permissive, and no inferences shall be drawn from the failure to file an answer.
- (d) Not later than ten (10) days after the commission receives the answer, or the time expires for the filing of an answer, the commission shall initiate a preliminary inquiry into any alleged violation of this code. If the commission determines ***upon the affirmative vote of at least five (5) members, at either a regularly scheduled meeting, or a teleconference meeting called upon the chair's oral or written notice to all members of the commission***, that the complaint fails to state a claim of an ethics violation, the complaint shall be dismissed.
- (e) Within thirty (30) days of the commencement of the inquiry, the commission shall give notice of the status of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
- (f) ***A complaint may be filed against a former legislator, a former legislative agent, or a former employer of a legislative agent within one (1) year of the date he or she left office or terminated lobbying registration. The one (1) year limitation shall not apply if a complaint alleges a violation of KRS 6.757.***

- (g) *The applicable criminal statutes of limitation shall not apply to ethical misconduct under KRS 6.601 to 6.849.*
- (2) All commission proceedings, including the complaint and answer and other records relating to a preliminary inquiry, shall be confidential until a final determination is made by the commission, except:
    - (a) The commission may turn over to the Attorney General, the United States Attorney, Commonwealth's attorney, or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings; and
    - (b) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the commission may publicly confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party.
  - (3) The commission shall afford a person who is the subject of a preliminary inquiry an opportunity to appear in response to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.
  - (4) If the commission determines by the answer or in the preliminary inquiry that the complaint does not allege facts sufficient to constitute a violation of this code, the commission shall immediately terminate the matter and notify in writing the complainant and the person alleged to have committed a violation. The commission may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law. If the alleged violator publicly discloses the existence of such action by the commission, the commission may confirm the existence of the action and, in its discretion, make public any documents that were issued to the alleged violator.
  - (5) If the commission, during the course of the preliminary inquiry, finds probable cause to believe that a violation of this code has occurred, the commission shall notify the alleged violator of the finding, and the commission may, upon majority vote:
    - (a) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the state, or lack of significant impact on public confidence in government, confidentially reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves, or the alleged violator's employer, if the alleged violator is a legislative agent. The proceedings leading to a confidential reprimand and the reprimand itself shall remain confidential except that, if the alleged violator publicly discloses the existence of such an action, the commission may confirm the existence of the action and, in its discretion, make public any documents which were issued to the alleged violator; or
    - (b) Initiate an adjudicatory proceeding to determine whether there has been a violation.
  - (6) Any person who knowingly files with the commission a false complaint of misconduct on the part of any legislator or other person shall be guilty of a Class A misdemeanor.
- ➔Section 3. KRS 6.701 is amended to read as follows:
- (1) The commission shall establish and supervise a program of ethics education and training, including~~ing~~ but not limited to:~~ing~~
    - (a) Preparing and publishing an ethics education manual;~~ing~~
    - (b) Designing and supervising orientation courses for new legislators;~~ing~~ and
    - (c) Designing and supervising current issues seminars for legislators *and employees of the legislative branch of state government.*
  - (2) The commission shall establish, supervise, and conduct a program of ethics education and training designed specifically for and made available to legislative agents.
- ➔Section 4. KRS 6.711 is amended to read as follows:
- (1) The commission shall design the general curriculum of orientation courses, which shall include but not be limited to explanations and discussions of the ethics laws, administrative regulations, relevant internal policies, specific technical and legal requirements, summaries of advisory opinions, underlying purposes and principles of ethics laws, examples of practical application of the laws and principles, and a question-and-answer

participatory segment regarding common problems and situations. The commission shall prepare the methods and materials necessary to implement the curriculum.

- (2) The commission shall:
  - (a) Administer the orientation courses for legislators;
  - (b) Designate instructors to conduct their courses who shall be trained by the commission; and
  - (c) Notify legislators regarding attendance in these courses.
- (3) The orientation courses shall be conducted for new legislators in December of each even-numbered year. Each course shall be at least two (2) hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education ~~ethics~~ credits which the bar association may require.
- (4) To facilitate participant interaction, those portions of the courses dedicated to group participation may be closed to the public.
- (5) Each legislator shall complete the initial orientation course offered under this section. Each legislator elected after the initial orientation course shall complete the next orientation course conducted. The commission may grant permission for a legislator to attend a later course for good cause shown.

➔Section 5. KRS 6.716 is amended to read as follows:

- (1) The commission shall design the general curriculum of a current issues seminar, which shall include, but not be limited to, discussion of changes in the ethics laws and administrative regulations, new advisory opinions, current ethical issues confronting public servants, practical application of ethics laws and principles to specific issues and situations, and development of problem-solving skills. The commission shall prepare the methods and materials necessary to implement the curriculum.
- (2) The commission shall:
  - (a) Administer the current issues seminars for legislators **and training for employees of the legislative branch of state government;**
  - (b) Designate instructors to conduct their current issues courses who shall be trained by the commission; and
  - (c) Notify legislators regarding attendance in these seminars.
- (3) The current issues seminars **for legislators** shall be conducted in January of each year. Each course shall be at least **two (2)** ~~three (3)~~ hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits which the bar association may require.
- (4) To facilitate participant interaction, those portions of the seminars dedicated to group participation may be closed to the public.
- (5) Each legislator, after completion of an orientation training course, shall complete one (1) current issues seminar annually.

➔Section 6. KRS 7.101 is amended to read as follows:

The Legislative Research Commission shall require all members of the General Assembly to attend a sexual and workplace harassment training course to be held at the beginning of each session of the General Assembly. ***The Legislative Research Commission shall coordinate the development and presentation of the training course, with assistance of the Legislative Ethics Commission.***

➔Section 7. KRS 11A.010 is amended to read as follows:

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

- (1) "Business" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted, whether or not for profit;
- (2) "Commission" means the Executive Branch Ethics Commission;
- (3) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;



- (4) "Family" means spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption: parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister;
- (5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, the waiver of a registration fee for a presenter at a conference or training described in KRS 45A.097(5), or door prizes available to the public;
- (6) "Income" means any money or thing of value received or to be received as a claim on future services, whether in the form of a fee, salary, expense allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of compensation or any combination thereof;
- (7) "Officer" means:
  - (a) All major management personnel in the executive branch of state government, including the secretary of the cabinet, the Governor's chief executive officers, cabinet secretaries, deputy cabinet secretaries, general counsels, commissioners, deputy commissioners, executive directors, executive assistants, policy advisors, special assistants, administrative coordinators, executive advisors, staff assistants, and division directors;
  - (b) Members and full-time chief administrative officers of:
    - 1. The Parole Board;
    - 2. Kentucky Claims Commission;
    - 3. Kentucky Retirement Systems board of trustees;
    - 4. Kentucky Teachers' Retirement System board of trustees;
    - 5. The Kentucky Public Employees Deferred Compensation Authority board of trustees;
    - 6. Public Service Commission;
    - 7. Worker's Compensation Board and its administrative law judges;
    - 8. The Kentucky Occupational Safety and Health Review Commission;
    - 9. The Kentucky Board of Education; and
    - 10. The Council on Postsecondary Education;
  - (c) Salaried members of executive branch boards and commissions; and
  - (d) Any person who, through a personal service contract or any other contractual employment arrangement with an agency, performs on a full-time, nonseasonal basis a function of any major management position listed in this subsection;
- (8) "Official duty" means any responsibility imposed on a public servant by virtue of his or her position in the state service;
- (9) "Public servant" means:
  - (a) The Governor;
  - (b) The Lieutenant Governor;
  - (c) The Secretary of State;
  - (d) The Attorney General;
  - (e) The Treasurer;
  - (f) The Commissioner of Agriculture;
  - (g) The Auditor of Public Accounts;
  - (h) All employees in the executive branch including officers as defined in subsection (7) of this section and merit employees; and

- (i) Any person who, through any contractual arrangement with an agency, is employed to perform a function of a position within an executive branch agency on a full-time, nonseasonal basis;
- (10) "Agency" means every state office, cabinet, department, board, commission, public corporation, or authority in the executive branch of state government. A public servant is employed by the agency by which his or her appointing authority is employed, unless his or her agency is attached to the appointing authority's agency for administrative purposes only, or unless the agency's characteristics are of a separate independent nature distinct from the appointing authority and it is considered an agency on its own, such as an independent department;
- (11) "Lobbyist" means any person employed as a legislative agent as defined in KRS 6.611(23) or any person employed as an executive agency lobbyist as defined in KRS 11A.201(9)~~((8))~~;
- (12) "Lobbyist's principal" means the entity in whose behalf the lobbyist promotes, opposes, or acts;
- (13) "Candidate" means those persons who have officially filed candidacy papers or who have been nominated by their political party pursuant to KRS 118.105, 118.115, 118.325, or 118.760 for any of the offices enumerated in subsections (9)(a) to (g) of this section;
- (14) "Does business with" or "doing business with" means contracting, entering into an agreement, leasing, or otherwise exchanging services or goods with a state agency in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement;
- (15) "Public agency" means any governmental entity;
- (16) "Appointing authority" means the agency head or any person whom he or she has authorized by law to act on behalf of the agency with respect to employee appointments;
- (17) "Represent" means to attend an agency proceeding, write a letter, or communicate with an employee of an agency on behalf of someone else;
- (18) "Directly involved" means to work on personally or to supervise someone who works on personally;
- (19) "Sporting event" means any professional or amateur sport, athletic game, contest, event, or race involving machines, persons, or animals, for which admission tickets are offered for sale and that is viewed by the public;
- (20) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert; and
- (21) "Salaried" means receiving a fixed compensation or benefit reserved for full-time employees, which is paid on a regular basis without regard to the actual number of hours worked.

➔Section 8. KRS 11A.201 is amended to read as follows:

As used in KRS 11A.201 to 11A.246 and KRS 11A.990:

- (1) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;
- (2) (a) "Expenditure" means any of the following that is made to, or for the benefit of an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of any of the officials listed in this paragraph:
  - 1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
  - 2. A contract, promise, or agreement to make an expenditure; or
  - 3. The purchase, sale, or gift of services or any other thing of value.
- (b) "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this subsection. "Expenditure" does not include a payment, contribution, gift, purchase, or any other thing of value that is made to or on behalf of any elected executive official, the secretary of a cabinet

listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials listed in this paragraph who works for a state agency for which the executive agency lobbyist is not registered to influence;

- (3) "Employer" means any person who engages an executive agency lobbyist;
- (4) "Engage" means to make any arrangement, and "engagement" means arrangement, whereby an individual is employed or retained for compensation to act for or on behalf of an employer to influence executive agency decisions or to conduct any executive agency lobbying activity;
- (5) ***"Financial impact" means to have an effect on the financial position of the employer of the executive agency lobbyist or the real party in interest whether or not the impact is positive or negative;***
- (6) (a) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, or the ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:
  - 1. An executive agency lobbyist, his or her employer, a real party in interest, or a member of the immediate family of the executive agency lobbyist, his or her employer, or a real party in interest; and
  - 2. Any elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials listed in this subparagraph.
 (b) "Financial transaction" does not include any transaction or activity described in paragraph (a) of this subsection if it is available to the general public on the same terms;
- ~~(7)(6)~~ "Executive agency" means the office of an elected executive official, a cabinet listed in KRS 12.250, or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to his or her authority. "Executive agency" does not include any court or the General Assembly;
- ~~(8)(7)~~ "Executive agency decision" means a decision of an executive agency regarding the expenditure of funds of the state or of an executive agency with respect to the award of a contract, grant, lease, or other financial arrangement under which those funds are distributed or allocated. This shall also include decisions made concerning:
  - (a) The parameters of requests for information, ~~and~~ requests for proposals, ***and other forms of solicitation in KRS Chapter 45A or 176;***
  - (b) Drafting, adopting, or implementing a budget provision;
  - (c) Administrative regulations or rules;
  - (d) An executive order; ***or***
  - (e) Legislation or amendments thereto; ~~or~~
  - ~~(f) Other public policy decisions;~~
- ~~(9)(8)~~ (a) "Executive agency lobbyist" means any person engaged to influence executive agency decisions or to conduct executive agency lobbying activity as one (1) of his or her main purposes regarding a substantial issue, including associations, coalitions, or public interest entities formed for the purpose of promoting or otherwise influencing executive agency decisions. The term "executive agency lobbyist" shall also include placement agents and unregulated placement agents.
 (b) "Executive agency lobbyist" does not include an elected or appointed officer or employee of a federal or state agency, state college, state university, or political subdivision who attempts to influence or affect executive agency decisions in his or her fiduciary capacity as a representative of his or her agency, college, university, or political subdivision;
- ~~(10)(9)~~ (a) "Executive agency lobbying activity" means contacts made to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation or otherwise influence the outcome of an executive agency decision by direct communication with an elected executive official, the secretary of any cabinet listed in KRS 12.250, any executive agency official whether in the classified service or not, or a member of the staff of any one of the officials listed in this paragraph.
 (b) "Executive agency lobbying activity" does not include any of the following:

1. The action of any person having a direct interest in executive agency decisions, if the person acting under Section 1 of the Kentucky Constitution, assembles together with other persons for their common good, petitions any person listed in paragraph (a) of this subsection for the redress of grievances or other proper purposes;
  2. Contacts made for the sole purpose of gathering information contained in a public record;
  3. Appearances before public meetings of executive agencies;
  4. News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;
  5. The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in subparagraph 4. of this paragraph;
  6. Publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;
  7. Professional services in preparing executive agency decisions, preparing arguments regarding executive agency decisions, or in advising clients and rendering opinions regarding proposed or pending executive agency decisions, if the services are not otherwise connected to lobbying; or
  8. Public comments submitted to an executive agency during the public comment period on administrative regulations or rules;
- ~~(11)(10)}~~ "Executive agency official" means an officer or employee of an executive agency whose principal duties are to formulate policy or to participate directly or indirectly in the preparation, review, or award of contracts, grants, leases, or other financial arrangements with an executive agency;
- ~~(12)(11)}~~ "Aggrieved party" means a party entitled to resort to a remedy;
- ~~(13)(12)}~~ "Elected executive official" means the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and Commissioner of Agriculture;
- ~~(14)(13)}~~ "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert;
- ~~(15)(14)}~~ "Staff" means any employee of the office of the Governor, or a cabinet listed in KRS 12.250, whose official duties are to formulate policy and who exercises administrative or supervisory authority, or who authorizes the expenditure of state funds;
- ~~(16)(15)}~~ "Real party in interest" means the person or entity on whose behalf an executive agency lobbyist is acting, if that person or entity is not the employer of the executive agency lobbyist;
- ~~(17)(16)}~~ "Substantial issue" means contacts which are intended to influence a decision that involves one or more disbursements of state funds in an amount of at least five thousand dollars (\$5,000) per year, or any budget provision, administrative regulation or rule, *or* legislative matter~~[, or other public policy matter]~~ that financially impacts the executive agency lobbyist or his or her employer;
- ~~(18)(17)}~~ "Placement agent" means an individual or firm who is compensated or hired by an employer or other real party in interest for the purpose of influencing an executive agency decision regarding the investment of the Kentucky Retirement Systems or the Kentucky Teachers' Retirement System assets; and
- ~~(19)(18)}~~ "Unregulated placement agent" means a placement agent who is prohibited by federal securities laws and regulations promulgated thereunder from receiving compensation for soliciting a government agency.

➔Section 9. KRS 11A.211 is amended to read as follows:

- (1) Each executive agency lobbyist, employer, and real party in interest shall file with the commission within ten (10) days following the engagement of an executive agency lobbyist, an initial registration statement showing all of the following:
  - (a) The name, business address, and occupation of the executive agency lobbyist;
  - (b) The name and business address of the employer and of any real party in interest on whose behalf the executive agency lobbyist is acting, if it is different from the employer. However, if a trade association or other charitable or fraternal organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code is the employer, the statement need not list the names and

addresses of every member of the association or organization, so long as the association or organization itself is listed;

- (c) A brief description of the executive agency decision to which the engagement relates;
  - (d) The name of the executive agency or agencies to which the engagement relates;
  - (e) Certification by the employer and executive agency lobbyist that the information contained in the registration statement is complete and accurate;
  - (f) Compensation paid to, ***or received by***, each executive agency lobbyist, ~~by each~~ employer, ***and real party in interest as part of the engagement***; and
  - (g) Certification that the employer and agent have complied with KRS 11A.236.
- (2) In addition to the initial registration statement required by subsection (1) of this section, each executive agency lobbyist, employer, and real party in interest shall file with the commission, not later than the last day of July of each year, an updated registration statement that confirms the continuing existence of each engagement described in an initial registration statement, that lists the specific executive agency decisions the executive agency lobbyist sought to influence under the engagement during the period covered by the updated statement, and the compensation paid to, ***or received by***, each executive agency lobbyist, ~~by each~~ employer, and ***real party in interest as part of the engagement***, and with it any statement of expenditures required to be filed by KRS 11A.216 and any details of financial transaction required to be filed by KRS 11A.221.
- (3) ***Compensation paid under subsection (1)(f) of this section shall be reported after it is received by, or paid to, each executive agency lobbyist, employer, and real party in interest as determined by the terms of the engagement, and shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement.***
- ~~(4)(3)~~ If an executive agency lobbyist is engaged by more than one (1) employer, the executive agency lobbyist shall file a separate initial and updated registration statement for each engagement and list compensation paid to, ***or received by each*** ~~the~~ executive agency lobbyist, ~~by each~~ employer, ***and real party in interest as part of the engagement***. If an employer engages more than one (1) executive agency lobbyist, the employer shall file only one (1) updated registration statement under subsection (2) of this section, which shall contain the information required by subsection (2) of this section regarding all executive agency lobbyists engaged by the employer.
- ~~(5)(4)~~ (a) A change in any information required by subsection (1)(a), (b), (c), (d), or (2) of this section shall be reflected in the next updated registration statement filed under subsection (2) of this section.
- (b) Within thirty (30) days following the termination of an engagement, the executive agency lobbyist who was employed under the engagement shall file written notice of the termination with the commission.
- ~~(6)(5)~~ Each employer of one (1) or more executive agency lobbyists, and each real party in interest, shall pay a registration fee of five hundred dollars (\$500) upon the filing of an updated registration statement. All fees collected by the commission under the provisions of this subsection shall be deposited in the State Treasury in a trust and agency fund account to the credit of the commission. These agency funds shall be used to supplement general fund appropriations for the operations of the commission and shall not lapse. No part of the trust and agency fund account shall revert to the general funds of this state.
- ~~(7)(6)~~ Upon registration pursuant to this section, an executive agency lobbyist shall be issued a card annually by the commission showing the executive agency lobbyist is registered. The registration card shall be valid from the date of its issuance through the thirty-first day of July of the following year.
- ~~(8)(7)~~ The commission shall review each registration statement filed with the commission under this section to determine if the statement contains all of the required information. If the commission determines the registration statement does not contain all of the required information or that an executive agency lobbyist, employer, or real party in interest has failed to file a registration statement, the commission shall send written notification of the deficiency by certified mail to the person who filed the registration statement or to the person who failed to file the registration statement regarding the failure. Any person so notified by the commission shall, not later than fifteen (15) days after receiving the notice, file a registration statement or an amended registration statement that includes all of the required information. If any person who receives a notice under this subsection fails to file a registration statement or an amended registration statement within the fifteen (15) day period, the commission may initiate an investigation of the person's failure to file. If the

commission initiates an investigation pursuant to this section, the commission shall also notify each elected executive official and the secretary of each cabinet listed in KRS 12.250 of the pending investigation.

~~(9)(8)~~ In the biennial report published under KRS 11A.110(13), the commission shall, in the manner and form the commission determines, include a report containing statistical information on the registration statements filed under this section during the preceding biennium.

~~(10)(9)~~ If an employer who engages an executive agency lobbyist, or a real party in interest on whose behalf the executive agency lobbyist was engaged is the recipient of a contract, grant, lease, or other financial arrangement pursuant to which funds of the state or of an executive agency are distributed or allocated, the executive agency or any aggrieved party may consider the failure of the real party in interest, the employer, or the executive agency lobbyist to comply with this section as a breach of a material condition of the contract, grant, lease, or other financial arrangement.

~~(11)(10)~~ Executive agency officials may require certification from any person seeking the award of a contract, grant, lease, or financial arrangement that the person, his or her employer, and any real party in interest are in compliance with this section.

➔Section 10. KRS 11A.233 is amended to read as follows:

- (1) For purposes of KRS 11A.201 to 11A.246, the term "executive agency lobbyist" does not include a person acting to promote, oppose, or otherwise influence the outcome of a decision of the Cabinet for Economic Development or any board or authority within or attached to that cabinet relating to the issuance or award of a bond, grant, lease, loan, assessment, incentive, inducement, or tax credit pursuant to KRS 42.4588, 103.210, Chapter 154, or Chapter 224A, or otherwise relating to any other component of an economic incentive package.
- (2) Notwithstanding subsection (1), before any board or authority within or attached to the Cabinet for Economic Development takes final action on any contract or agreement by which any bond, grant, lease, loan, assessment, incentive, inducement, or tax credit is awarded, the beneficiary of an economic incentive package shall file with the approving board or authority a disclosure statement which shall contain:
  - (a) The identity of the beneficiary of an economic incentive package and any person employed to act on its behalf in its dealings with the Cabinet for Economic Development or any board or authority within or attached to that cabinet regarding the matters to which the contract or agreement refers; and
  - (b) The details of any financial transaction as defined in KRS 11A.201~~(6)(5)~~(a) between the beneficiary or any other person listed as an employee or agent of the beneficiary as required by paragraph (a) of this subsection and any agent or public servant of the Cabinet for Economic Development, any member of any board or authority within or attached to that cabinet, or any other public servant involved in the negotiation of the economic incentive package.
- (3) After final action by the board or authority, the Cabinet for Economic Development shall file the disclosure statement described in subsection (2) of this section with the Executive Branch Ethics Commission, but the cabinet may delete information identifying the beneficiary of the economic-incentive package if the cabinet believes that identification would damage economic development.
- (4) No beneficiary of an economic incentive package as referred to in this section shall engage any person to influence decisions of the Cabinet for Economic Development or the approving board or authority for compensation that is contingent in any way on the outcome of the decisions of the cabinet or the approving board or authority regarding contracts or agreements specified in subsection (2) of this section, and no person shall accept any engagement to influence these decisions or conduct lobbying activities related to these decisions for compensation that is contingent in any way on the outcome of the decisions of the cabinet or the approving board or authority regarding these contracts or agreements.
- (5) Subsection (4) of this section does not prohibit, and shall not be construed to prohibit, any person from compensating that person's sales employees pursuant to any incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly-situated sales employees who are not engaged by the beneficiary of an economic incentive package in activities and functions referred to in this section.

**Signed by Governor April 24, 2020.**

**CHAPTER 128****( HB 387 )**

AN ACT relating to the rural hospital operations and facilities revolving loan fund, making an appropriation therefor, and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

**(1) As used in this section:**

- (a) "Authority" means the Kentucky Economic Development Finance Authority; and**
- (b) "Rural hospital" means any hospital located within a county of the Commonwealth having a population of less than fifty thousand (50,000) according to the most recent annual estimates of the resident population issued by the United States Census Bureau.**

**(2) (a) The rural hospital operations and facilities revolving loan fund is established for the authority to provide loans to a rural hospital.**

- (b) Any loan issued by the authority shall not exceed a twenty (20) year term and shall be utilized by the Cabinet for Economic Development to assist a rural hospital in providing needed direct health care services for the citizens of the Commonwealth by:**

- 1. Maintaining or upgrading the hospital's facilities;**
- 2. Maintaining or increasing the current staff of the rural hospital; or**
- 3. Providing health care services that are not currently available to citizens.**

**(3) The Cabinet for Economic Development shall:**

- (a) Determine the terms and conditions of each loan, including the repayment to be deposited back in the revolving loan fund for issuance of future loans to other rural hospitals;**
- (b) Monitor the performance of the rural hospital; and**
- (c) By October 1, 2020, and by each October 1 thereafter, report to the Interim Joint Committee on Appropriations and Revenue information about each outstanding loan issued, including:**
  - 1. The name and location of the rural hospital;**
  - 2. The amount of principal originally loaned;**
  - 3. The terms of the loan and whether the rural hospital is currently meeting those terms; and**
  - 4. How the rural hospital used the loan related to facilities, staff, or additional services.**

**(4) (a) The fund created in subsection (2) of this section shall be a trust and agency account.**

- (b) The Cabinet for Economic Development shall administer the fund.**
- (c) The fund shall consist of appropriations, contributions, donations, gifts, or federal funds.**
- (d) 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 into the succeeding fiscal year.**
- (e) Any interest earnings of the fund shall become a part of the fund and shall not lapse.**
- (f) Moneys deposited in the fund are hereby appropriated for the sole purpose of providing loans to rural hospitals.**

➔Section 2. Notwithstanding 2020 Regular Session HB 352/EN, Part III, 2., unbudgeted Restricted Funds may be allotted and expended~~[for the purchase of personal protection equipment for use in evaluating and treating COVID-19 patients during a declared state of emergency and these purchases may be deemed a necessary government expense]~~.

➔Section 3. Whereas rural hospitals provide medical services that are essential to communities within 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.

**Line item vetoed and became law April 24, 2020. Veto displayed with brackets and strike-throughs.**